Registered No. M—1175.

SUPPLEMENT TO

The Mysore Gazette.

PUBLISHED BY AUTHORITY.

BANGALORE, THURSDAY, MAY 31, 1923.

PROCEEDINGS OF THE MYSORE LEGISLATIVE COUNCIL.

Proceedings of the meeting of the Legislative Council held on the 18th September 1922.

A. R. BANERJI, ESQ., C.S.I., C.I.E., DEWAN (*Presiding*).

Ex-Officio Members.

1. RAJAMANTRAPRAVINA P. RAGHAVENDRA RAO, B.A., B.L.,
First Member of Council.
2. MIR HAMZA HUSEIN, ESQ., B.A., B.L.,
Second Member of Council.

Official Members.

1. K. R. Srinivasa Iyengar, Esq., M.A.
2. K. Chandy, Esq., B.A.
3. A. Subramanya Iyer, Esq., B.A.
4. S. Cadambi, Esq., B.A., L.C.E.
5. H. B. Mylvaganam, Esq., F.R.C.S.
6. C. S. Balasundaram Iyer, Esq., B.A.
7. K. Matthan, Esq., B.A.
8. P. G. D'Souza, Esq., B.A., B.L.
9. M. N. Krishna Rao, Esq., B.A.
10. B. Ramaswamaiya, Esq., B.A., B.L.
11. B. Venkoba Rao, Esq., B.A.
12. K. Shankaranarayana Rao, Esq., M.A., B.L.

Non-official Members.

1. Rajasabhabhushana Dewan Bahadur K. P. Puttanna Chetty, C.I.E.
2. Rajakaryaprasaktha Rao Bahadur M. Shama Rao, M. A.
3. Rao Bahadur M. C. Rangiengar, B.A.
4. Mahomed Abbas Khan, Esq.
5. M. Subbiah, Esq., B.A.
6. B. N. Vijaya Deva, Esq., M. A., Bar.-at-Law.
7. B. V. Ramaswamy Chetty, Esq., B.A.
8. D. Venkatesaiya, Esq., B.A., B.L.
9. H. Venkataramaiya, Esq., B.A., B.L.
10. N. S. Nanjundiah, Esq.
11. Hosakoppa Krishna Rao, Esq.
12. H. G. Basavappa, Esq.
13. M. Ananthiah Chetty, Esq.
14. Rao Saheb H. Chenniah.
15. M. Ramachandra Rao, Esq., B.A. B.L.
16. B. Abdur Rahmon, Esq., B.A.
17. G. Paramasiviah, Esq., B.A., LL.B.

C. Abdul Ghani, Esq., B.A., B.L.,
Secretary.

Government be pleased to take (or cause to be taken) such steps as would prevent in future the unauthorised coupling of its name with company promotion.

(*e*) What action does Government propose to take against promoters and directors and others concerned of the company?

Rajamantrapravina P. Raghavendra Rao replied—

(*a*) Yes.

(*b*) There is no Insurance Act in force in Mysore and the question of taking security under such Act does not therefore arise, but the company has reported to the Registrar of Joint Stock Companies that it has deposited a sum of Rs. 1,00,000 with the Comptroller-General with the Government of India under the provisions of the British Indian Insurance Act.

(*c*) & (*d*) The Member's attention is invited to Section 11 (3) of the Mysore Companies Regulation and to the Government Notification No. J. 1936—Regis. 24-13, dated the 23rd December 1914, widely published, warning the public that the Government do not in any way guarantee the soundness of the concern.

(*e*) The matter will be considered by the Government after the disposal of the appeal preferred by the individuals concerned from their convictions by the Special Magistrate of Mysore.

Mr. H. Krishna Rao asked—

3. Will Government be pleased to state.

(*a*) how far the "Bhatkal Harbour Scheme" has progressed?

(*b*) whether it is going to be pushed up or abandoned? and

(*c*) also whether Government is willing to receive the South Canara District Board deputation in connection with West Coast Harbour Scheme?

Rajamantrapravina P. Raghavendra Rao replied—

(*a*) A project has been prepared and an approximate estimate of cost has also been made.

(*b*) The question of taking up this project has been postponed for the present owing principally to the fact that the programme of capital works already in progress does not permit of any new project of this magnitude to be considered in the near future.

(*c*) Government have no objection to receive a deputation on the subject.

4. Mr. H. Venkataramaiya withdrew his question.

Mr. Mahomed Abbas Khan asked—

5. Will the Government be pleased to state—

(*a*) the number of items of defalcation of Municipal and Government Revenue discovered within the past one year in the Channapatna Town and Taluk respectively;

(*b*) the total number involved;

(*c*) the number of officials concerned;

(*d*) the period during which the above cases are pending;

(*e*) the number of cases disposed of up till now;

(*f*) whether any punishment has been meted out to the offenders and, if so, its nature in each case;

(*g*) the number of instances in which their services have been dispensed with?

Mr. Mir Hamza Husein replied—

The required particulars have been called for and will be furnished to the member on receipt.

Mr. Mahomed Abbas Khan asked—

6. Will the Government be pleased to state—

(1) The number of applications received from Non-Brahmin candidates for Government service by the Central Recruitment Board up to the end of July 1922;

(2) the number of Non-Brahmin candidates provided with Government posts out of the applications received;

(3) the number of vacancies occurred since the formation of the Board up to end of July 1922;

(4) the number of Brahmin candidates employed during the above period?

Mr. K. Matthan replied—

(1) 511.

(2) to (4) Information in respect of these is not now available. The Central Recruitment Board has recently prescribed the forms of returns for the supply of such information. The first set of returns was due on the 15th September, but the returns from all offices have not yet been received.

On the receipt of the returns information will be tabulated and placed on the table.

Mr. M. Ramachandra Rao asked—

7. Will the Government be pleased to state—

(*a*) What was the quantity of electric power supplied monthly to small mills and factories in the Cities of Mysore and Bangalore respectively before the enhancement of charges was brought into force and what was the quantity at the end of June 1922?

(*b*) What was the number of power installations in small mills and factories in the said two Cities just before the enhancement of charges was put into force and also at the end of June 1922 respectively?

(*c*) What was the income in the two Cities from electric power for one month immediately preceding the enhancement of charges and also in the month of June 1922 respectively?

Rajamantrapravina P. Raghavendra Rao replied.

Information has been called for and will be furnished to the member.

Mr. B. V. Ramaswami Chetty asked—

8. Will the Government be pleased to state—

(*a*) the total amounts of savings effected so far by means of retrenchment in the several Departments of the State;

(*b*) the number of Gazetted Officers reduced;

(*c*) the number of Officials and Clerks whose services are dispensed with; and

(*d*) the provision, if any, made or intended to be made for those who are thrown out of employment?

Mr.M . N. Krishna Rao replied—

(*a*) The total retrenchments effected in the year 1921-22 and subsequently, compared with the actual service expenditure of the previous year, is Rs. 45·64 lakhs.

(*b*) The total number of sanctioned gazetted posts abolished is 74.

(*c*) As regards the number of subordinate appointments abolished, attention is invited to the retrenchment orders published in the Gazette.

(*d*) Cases of Officers in permanent employ who are thrown out of service on account of measures of retrenchment will be considered on their merits with a view to minimise hardships, as far as possible.

Mr. G. Paramasiviah asked—

9. Will the Government be pleased to state—

(*a*) Whether it is under their contemplation to put into operation the scheme as laid down in their order on the Education Memorandum during the current official year?

(*b*) How much do they intend to spend this year for the above purpose?

(*c*) How many Village Elementary Aided Schools do they intend to convert into Government Schools in the current year?

(*d*) How many applications are still pending with regard to the starting of new Village Elementary Schools?

Mr. K. Matthan replied—

(*a*) Yes, as far as funds permit including the realisations under Education Cess.

(*b*) With the grants provided in the sanctioned budget and the realisation under Education Cess in Bangalore and Chitaldrug Districts, a sum of Rs. 1,48,000 is proposed to be spent in the current year for the above purpose.

(*c*) The Inspector-General of Education has submitted proposals for the conversion of about 102 Aided Schools into Government Institutions and for opening 25 new schools in the districts of Bangalore and Chitaldrug, in which Education Cess is being levied.

(*d*) Government are considering the results of the Educational survey made under the orders on the Education Memorandum and the question of starting new Elementary Schools will be considered in accordance with the policy already laid down after providing for the conversion of Aided Schools into Government Institutions.

Mr. G. Paramasiviah asked—

10. With respect to the interpellations 7 and 8 put by the Hon'ble Member Mr. M. Ananthiah Chetty, in the meeting held on the 10th of April 1922, enquiring whether the Government were aware of the unauthorised and irregular practices of collection of revenue by the shanbhogs, their non-residence in one of the villages constituting their charge, contrary to Rule 92 of the Rules under the Village Officers' Regulation, and the non-performance of shanbhogi duties by the Barawardars contrary to Rule 83 of the said Rules, and the answer of the Government that they were not aware of such instances, will the Government be now pleased to state—

(*a*) Whether they have since made any enquiries to ascertain to what extent such practices exist? If so, whether any notice has been taken of the conduct of officers responsible therefor?

(*b*) Whether any measures have been taken to remove the above irregularities?

Mr. K. Matthan replied—

(*a*) & (*b*) No enquiries have been made by the Government, but the Revenue Commissioner has since issued a circular to the Deputy Commissioners of Districts to strictly enforce the residence of the shanbhogs within their firkas unless they are specially permitted to reside elsewhere by the Deputy Commissioners or other competent authority and also to enforce Rule 91 of the Land Revenue Rules in the matter of collection of land revenue.

Mr. M. Subbiah asked—

11. Will the Government be pleased to state if they have perused a correspondence from Channapatna and a leaderette in English on it in the *Vokkaligar Patrike* of the 23rd August 1922?

(*a*) Is it a fact that the Deputy Commissioner, Bangalore, has expressed his opinion that a new level-crossing should be opened at mile 245/2 in Channapatna station yard and that he has made a recommendation to the Agent?

(*b*) Is it a fact that a new road has been formed up to the crossing from Channapatna and from thence to Devarahosalli road by the Municipality after the Deputy Commissioner made a recommendation to the Agent?

(*c*) Is it also a fact that the Railway authorities have replied that if Rs. 443, the cost for opening the gate, is provided, they would undertake to do it, and accordingly money was sent on 10th July 1922 to the Deputy Commissioner to be deposited with the Railway authorities?

Rajamantrapravina P. Raghavendra Rao replied

Government have now perused the correspondence referred to.—

(*a*), (*b*) & (*c*) The answer is in the affirmative. Government will further examine the question.

Mr. M. Subbiah asked—

12. Will the Government be pleased to lay on the table a list of Vokkaligars in the following appointments :—

(*a*) (1) Amildar.
(2) Taluk Sheristadar.
(3) Shekdar.
(4) Clerks in the District Offices.
(5) Do Taluk Offices
(6) Police Inspectors.
(7) Do Sub-Inspectors.
(8) Police Jamadars.
(9) Do Daffadars.
(10) Excise Inspectors and Sub-Inspectors.
(11) Forest Rangers and Foresters.
(12) Clerks in the Secretariat.

(*b*) The number of applications received by the Recruitment Board after its formation from the Backward Communities for appointments and how many from Vokkaligar candidates?

How many appointments were made after the orders on the Miller's Committee were passed and how were they distributed amongst applicants from different communities and on what basis; how many of these were given to Vokkaligars?

Mr. K. Matthan replied—

(*a*) Information is not available. It has been called for and will be supplied to the member on receipt.

(*b*) 511 up to the end of August 1922, of whom 56 are from Vokkaligars.

Information in respect of this is not now available. The returns have been recently prescribed and on their receipt, the figures will be tabulated and placed on the table.

Mr. H. G. Basavappa asked—

13. Will the Government be pleased to state the various measures they have till now taken to bring the Educational Memorandum into effect?

Mr. K. Matthan replied—

A statement showing the action taken is placed on the table (*vide* Appendix).

Mr. H. G. Basavappa asked—

14. Will the Government be pleased to state how far they have carried into practice the Government Order on the Miller Committee's report and specify the number of appointments made in the various grades of service according to the said order from the date of the order till now?

Mr. K. Matthan replied—

A Central Recruitment Board was constituted on 30th June 1921 for registering all applications for appointment and to act as a Vigilance Committee in respect of future appointments.

Considerable preliminary work has been done and the following orders of Government have been issued on the recommendation of the Board :—

(1) Issuing general rules for regulating appointments and promotions in State Service.

(2) Issuing supplementary instructions for regulating the filling up of vacancies in the ministerial ranks of superior service.

(3) Issuing instructions in regard to the functions of the Central Recruitment Board.

(4) Prescribing rules for regulating appointments in the Excise, Registration and Income-tax Departments.

Copies of these orders are supplied to the member.

1,220 applications were received up to the end of August 1922. Lists of those received to end of June 1922 have been circulated and the lists of July are under issue. Statistics of vacancies that have occurred and those that have been filled up have been called for. The information will, on receipt, be tabulated and placed on the table.

Mr. H. G. Basavappa asked—

15. Will the Government be pleased to state how far the Co-operative movement has been made use of to the development of agriculture in Mysore and what encouragement they have held out to foster such activities?

Mr. Mir Hamza Husein replied—

The attention of the member is invited to the annual reports on the working of the Co-operative Societies in Mysore for the years 1918-19, 1919-20 and 1920-21 wherein a full account of Agricultural Co-operative Societies is given. There are about 60 purely Agricultural Co-operative Societies which supply their members with seed, implements and manure. There are also 1,173 credit societies, most of which benefit agriculturists by relieving them of their indebtedness.

Mr. M. Shama Rao asked—

16. Will the Government be pleased to state whether it is true that three months' notice has been served on the five Probationers in the Geological Department, entertained under Government Order No. G. 9060-910—G. M. 401-16-1, dated the 2nd January 1917, discharging them from service after that period?

Rajamantrapravina P. Raghavendra Rao replied—

The reply to the question is in the affirmative.

Mr. N. S. Nanjundiah asked—

17. Will the Government be pleased to state—

(*a*) Whether one Mr. M. R. Puttasamiah, toddy contractor at Hassan, complained to the Deputy Commissioner on 1st June 1922 of certain irregularities that were apprehended to be committed by the District Excise Officer of Hassan and what action was taken by the Deputy Commissioner thereon and were his orders given effect to by the District Excise Officer?

(*b*) Is it true that in spite of the facts that full payment of khists had been made by the said contractor and the fact telegraphed to the Deputy Commissioner on 2nd June, the subordinate Excise Officials acting under the instructions of, or at the instance of, the said District Excise officer, stopped the toddy carts intended for the Hassan Shop, at Arsikere itself, when they were in transit, between the 1st and the 7th of June 1922; and what is the report of the Excise Inspector of Arsikere in this respect, and what arrangements were made for disposal of the toddy so detained and what is its value?

(*c*) Had the license of the contractor been cancelled or the tapping of trees prohibited by competent authority to justify such detention, and in any case could the transport of toddy be so stopped when they were in transit?

(*d*) What has become of the application given by the contractor for a copy of his telegram and petition to the Deputy Commissioner, above referred to, and where, why and how long has the copy application been pending without these copies being furnished to the applicant?

Mr. Mir Hamza Husein replied—

The Government have ordered an investigation into the case, and the matter is under consideration.

Mr. N. S. Nanjundiah asked—

18. Will the Government be pleased to state—

(*a*) Whether District Excise Officers could set aside assignment of trees made and published under the authority of the Excise Commissioner?

(*b*) Have not Guttikere and Vittalapura toddy groves in the Arsikere Taluk been so assigned to the Hassan Shop and were not date trees in this assigned area given to one Mr. Venkatasami, contractor, and others who have no interest in the said shop by the District Excise Officer?

(*c*) Is not the said contractor Mr. Venkatasami, an outsider from Bellary, allowed to run his shop with only two months' deposit in advance, while local Mysoreans with a stake in the country have been compelled to pay four months' deposit?

(*d*) Has not the said contractor Mr. Venkatasami been getting consignments of toddy to Yelechagalli shop in Hole-Narsipur Taluk without permit and without any license, from the said groves, and have not Hiduvali trees been given to him now in the aforesaid area to cover the contractor's action after the Deputy Commissioner condemned the former practice?

(*e*) Whether the said Mr. Venkatasami has not been getting toddy sold in small quantities through a number of servants, keeping to the exemption provision of the prescribed minimum of four seers?

(*f*) Whether the said contractor has not also been permitted to tap trees in Ichnahalli which is 2½ miles from Hole-Narsipur thus giving room for unauthorised sale of toddy?

(*g*) Whether the said contractor has not been punished last year several times for illicit tapping when he was working the Hole-Narsipur and Arkalgud shops as an agent of Mr. Netkallappa, and whether he has not also been similarly punished often this year?

(*h*) Whether the contractor at Hole-Narsipur who pays a rental many times more than that paid by Mr. Venkatasami, and also the citizens of the town have not petitioned the authorities about such unusual sales all over the town, and whether petitions have been preferred complaining of undue favour being shown to the said contractor Mr. Venkatasami by the District Excise Officer?

Mr. Mir Hamza Husein replied—

(*a*) No.

(*b*) to (*h*) The Government have ordered an investigation into the case and the matter is under consideration.

III. BILLS.

I.—Bill to amend the Mysore Income-tax Regulation, 1920.

MR. MIR HAMZA HUSEIN.—SIR, the Indian Income-tax Act of 1918 on which our Income-tax Regulation is based has been lately amended as a result of the recommendations of a Committee specially appointed for the purpose. The new Act defines with greater precision the classes of income liable to assessment, abolishes the system of provisional assessment, and also introduces other changes calculated to simplify the administration of the Income-tax law. Government consider it desirable to re-enact the Mysore Income-tax Regulation on the lines of this later Act and a Bill has been prepared accordingly. Some of the principal features of this Bill are:—

First, under the head of exemptions, the exemption in respect of agricultural income will extend to income derived from the sale of produce by a cultivator or receiver of rent in kind even if he keeps a stall or shop for the sale of such produce. Again, an assessee will not be liable to pay tax personally on his share of the income of a Hindu undivided family and that share will not be taken into account either in determining his taxable income or the rate at which it is to be taxed, whether the family income is liable to Income-tax or not.

Secondly, the present adjustment system will be discontinued, at it involves the keeping of a running account between the Government and the tax payer and also entails hardship on the latter should his income in the year of levy be less than his income of the preceding year. The Bill provides that the assessment should be final for the year of levy, though based on the income of the preceding year. An exception is however made in regard to business concerns closing down in the course of the financial or commercial year in which case the assessment is allowed to be made on their actual income between the end of the previous year and the date of such discontinuance.

Thirdly, the present law is not clear as to the rate at which the income of firms doing business both in British India and in Mysore should be taxed. The Bill lays

down definitely that while in computing the profits of such a business a deduction should be allowed of the amount of profits accruing from the transactions in British India, the total income for purposes of determining the rate should include such profits.

Fourthly, it is proposed to confer on the Commissioner of Income-tax the powers of review and reference to the Chief Court now reserved by Government as the Chief Revenue authority. Further, power has been given to the assessee to apply to the Chief Court to direct the Income-tax Commissioner to make a reference on a question of law if he refuses to make such reference on the application of the party. To prevent frivolous applications for references to the Chief Court, it is provided that the applicants should deposit Rs. 100 or such smaller sum as may be prescribed by Government.

Fifthly, an assessee who is assessed on his failure to make a return or to comply with the terms of a notice to produce accounts, will be given an opportunity to get the assessment cancelled and a fresh assessment made on satisfying the assessor within one month after service of a notice of demand that he was prevented by sufficient cause from making a return or that he did not have a reasonable opportunity to comply with the terms of the notice to produce accounts.

Lastly, as regards the rates of tax no change is proposed in respect of incomes not exceeding Rs. 50,000. The minimum income liable to assessment will continue to be Rs. 2,400 and the rates vary from three pies to one anna in the rupee as at present. But on incomes exceeding Rs. 50,000 it is proposed to impose a super-tax on such excess in addition to the Income-tax. The need for the levy of a super-tax is apparent and requires no elaborate arguments to justify its levy. You are well aware of the financial position of the State and the need to increase its revenues. With this object in view, Bills to increase the Stamp Duty and Court Fees have been prepared and as you see from the agenda will be introduced at to-day's Council meeting. To avoid increased taxation Government as you know have effected all possible retrenchments in their expenditure, but this has not been found to be sufficient to restore financial equilibrium.

In British India, the super-tax has been in force for the past five years and there is no reason why it should not be levied in our State. The incidence of this tax will fall mainly on Companies making large profits and individual assessees will practically remain unaffected by it. Further, the burden has been made as light as possible in accordance with our policy regarding the levy of Income-tax. The rates vary from 6 pies to three annas in the rupee as against one anna to 6 annas in the rupee in British India and will certainly not act as a hardship upon those who are in receipt of incomes exceedings 50,000 rupees.

With these remarks, I beg to move that leave be granted to introduce the Bill to amend the Mysore Income-tax Regulation.

MR. K. CHANDY.—SIR, I beg to second the motion.

The motion was put to vote and carried.

2.—Bill further to amend the Mysore Municipal Regulation, 1906.

(Re Education Cess).

MR. MIR HAMZA HUSEIN.—SIR, while asking for leave to introduce the Bill further to amend the Mysore Municipal Regulation at the meeting of this Council held on the 10th April last, I explained the object and scope of the measure and the necessity for the levy of an Education Cess. The Bill has since been published in the Gazette and copies furnished to the members.

The Bill is a very simple one and consists of only one clause specifying the rate at which and the items on which the cess is to be levied. The Bill does not make it obligatory on the Municipal Councils to levy the cess, but it only enables them to do so, when the necessity for the imposition of the same arises, to meet the increased cost of primary education which is one of their obligatory duties under Section 54 of the Municipal Regulation. This House has consented to the levy of the Cess by the District Boards and the Local Boards and Village Panchayet

Regulation has accordingly been amended. It is necessary that the Municipal Councils should also have similar powers which will be exercised at their discretion. So I beg to move that the Bill further to amend the Municipal Regulation be read in Council.

MR. K. MATTHAN.—SIR, I beg to second the motion.

The motion was put to vote and carried.

MR. MIR HAMZA HUSEIN.—SIR, for the reasons mentioned by me just now, there is no need to refer the Bill to a select Committee and I therefore beg to move that the Bill need not be referred to a Select Committee.

MR. K. MATTHAN.—SIR, I beg to second the motion.

The motion was put to vote and carried.

3. The Ancient Monuments Preservation Bill.

RAJAMANTRAPRAVINA P. RAGHAVENDRA RAO.—SIR, I beg to move that the Bill for the Preservation of Ancient Monuments be read in Council. Leave was granted at the meeting of the Council on the 27th June 1922 to introduce the Bill. On that occasion, I stated briefly the reasons why it was found necessary to introduce such a piece of legislation. I do not think it is necessary for me to go over the same ground, as a draft Bill has since been published in the Gazette. I therefore propose that the Bill be taken as read in Council.

MR. K. MATTHAN.—SIR, I beg to second the motion.

The motion was put to vote and carried.

RAJAMANTRAPRAVINA P. RAGHAVENDRA RAO.—SIR, I propose that the Bill be referred to a Select Committee consisting of the following gentlemen :—

Mr. K. R. Srinivasiengar,
„ S. Cadambi,
„ K. P. Puttanna Chetty,
„ N. S. Nanjundiah and myself.

MR. K. MATTHAN.—SIR, I beg to second the motion.

The motion was then put to vote and passed.

4. Bill further to amend the Mysore Municipal Regulation, 1906 (*re* appointment of a Commissioner in City Municipalities).

MR. MIR HAMZA HUSEIN.—SIR, I beg to move that the Bill to amend the Municipal Regulation, which was published last month under Rule 32 of the Rules of Business, be now read in Council.

During the past few years the Cities of Bangalore and Mysore have rapidly expanded and the work devolving on the Municipal Presidents is growing both in volume and complexity. The administration of these Municipalities therefore involves onerous responsibilities and makes considerable demands on the time and energy of the Presidents. Non-official Presidents being generally busy professional men cannot afford to give adequate personal attention to the details of administration. The Regulation provides for the appointment of a chief executive officer to assist them, but his powers are too limited to enable him to exercise effective control. It is therefore necessary to make provision in the Regulation for an alternative arrangement for the executive administration of these Municipalities. The Bill accordingly contains an enabling provision for the appointment of a Municipal Commissioner in lieu of the Chief Officer with the necessary executive powers for carrying out the purposes of the Municipal Regulation. It will be observed that according to the provisions of the Bill, the Commissioner will merely take the place of the present Chief Officer, but will exercise in addition to the powers of the Chief Officer certain other powers which are detailed in the new Section 194 proposed to be introduced and his powers of control over the Municipal establishment

will also be larger than that of the Chief Officer so as to be compatible with his higher status and responsibility. He will also have authority to make contracts on behalf of the Municipal Council for purposes of Municipal Administration subject to the limitations and safeguards provided in the new Sections 201 to 204. The government of the Municipality, however, will continue as at present to vest in the Municipal Council and it is only the executive functions of the President that are proposed to be assigned to a separate officer in the interests of Municipal Administration. The orders of the Municipal Commissioner are made appealable to the Municipal Council in certain cases. The Municipal Council will have sufficient control over the Commissioner since he is removable from office on the application of the Council supported by three-fourths of its members. Further, this system gives a chance to more than one Councillor during the term of a Council to aspire to the highest civic honour and show his administrative capacity, as the term of office of the President is made annual.

The Bill seeks to introduce no novel system. In the City of Bombay this separation of the deliberative and executive functions, with the Corporation presided over by an annually elected President and a Commissioner at the head of the executive, has been in force for more than three decades. In the City of Madras also where these functions were till lately combined in an officer appointed by Government as President of the Corporation, the Bombay system has been introduced by Act IV of 1919. It is practically this system that is proposed to be adopted here when the need for the appointment of a separate executive authority arises. In the Bombay Presidency again, the District Municipalities Act of 1901, on the basis of which our Regulation of 1906 is framed, was amended so far back as 1914 and the most important provision made in the amending Act of that year was the appointment of Municipal Commissioners even in moffussil Municipalities. The present Bill is in fact prepared on the lines of this Act.

There is one more point which requires some explanation. I refer to the amendment of sub-section (6) of Section 23 of the Regulation, proposed in clause 3 of the Bill. The effect of this amendment is to reduce the term of office of Presidents and Vice-Presidents from three years to one year in all the Municipalities. These office-bearers are now generally appointed for the full term of the Council and as the law now stands they cannot be removed before the expiry of their term except for misconduct, or neglect of or incapacity to perform their duties. A President or Vice-President may however make himself otherwise obnoxious, especially in places where there are factions, and his removal from office may become necessary in the interests of Municipal Administration. But he cannot be removed for mere unpopularity or misunderstanding with the Municipal Council. In such an event his continuance in office will have to be tolerated until the full period of his appointment expires and the interests of Municipal Administration will inevitably suffer. It is therefore proposed to reduce the term of Municipal Presidents and Vice-Presidents to one year. This does not of course preclude the out-going President or Vice-President, who continues to be a Councillor, from standing for re-election and he may be expected to be re-elected if he has already given satisfaction to the public in the discharge of his duties.

As copies of the Bill have been supplied to the members it is unnecessary to refer to the other minor amendments proposed in the Bill. These amendments have also been adopted from the Bombay Act of 1914.

With these remarks, I beg to commend the motion for the acceptance of this Council.

RAJASABHABHUSHANA DEWAN BAHADUR K. P. PUTTANNA CHETTY, C.I.E:— SIR, I beg to second the proposal and in so doing I should like to bring to the notice of this House that in the Bombay Presidency it has been the practice for some time to have a Municipal Commissioner in all Municipal Towns in the mofussil containing a population of one lakh, for instance, Ahmadabad, Poona, Karachi and so on. I think that the Bangalore and Mysore Cities are in no way inferior to those just named. The details embodied in the draft Bill will I dare say be discussed in the Select Committee. With this observation I have great pleasure in seconding this motion.

MR. M. SUBBIAH.—I am not entirely against this Bill. Some powers have been given according to this Bill which take away the powers and prestige of the Municipal Commissioners. Just now Mr. K. P. Puttanna Chetty seconded the Bill. We had the honour of having him as a President for a number of years—he not only found it possible to work with the restrictions laid down in the Municipal Regulation but brought good name to the Municipality. What is now proposed in this Regulation is that more powers should be given to the nominee of the Government. I do not know why this change is found necessary. The administration went on very satisfactorily during the time of elected President and simply because there was some contention between parties and the President, the Government should not think that the elected men are not capable of administering the Municipality and that they want a high paid officer nominated by Government to do its work. When they gave the choice of election to the citizens did they not think that the profession and occupation of the elected President would come in the way of doing his duties satisfactorily? There should be something else Sir, to effect this change. With the powers clipped I don't think any citizen will come forward to be a Municipal President or Vice-President. Almost all the powers of the Council would be taken away by the appointment of a Commissioner to whom many more powers will be given, especially about the contracts. Why should the power of dealing with contracts be given to the Commissioner? Well, it may be to avoid a delay of about 4 or 5 days. I do not think the work will suffer meanwhile. On the other hand the power of the purse should always be in the hands of the Council. Section 20 should be entirely removed as it will not help the Municipal Commissioner in any way, but on the other hand the work will not suffer. In Section 109 it is stated that the Commissioner can make appointments and dismiss up to Rs. 100. I think when the Commissioner is given these powers many of the officials of the Municipality will be entirely in his hands. It is better that the Council should retain this power. An appeal should lie in this matter to the Council.

DEWAN.—I think that is provided for, as the Member explained. I take it that you do not oppose the principle of the Bill, but the powers of the Municipal Commissioner.

MR. M. SUBBIAH.—If the Municipal Council considers that some of the powers should be given to the Commissioner, they may delegate them to the Commissioner. It will be impossible to be a President in these circumstances, for he will not maintain his prestige at all. By this Regulation you will take away entirely the executive powers of a President. I think the Select Committee should consider all these things and make it suitable to the Cities of Bangalore and Mysore.

DEWAN.—I may anticipate and state that you may be put in the Select Committee.

MR. B. V. RAMASWAMY CHETTY.—Sir, in my opinion and in the opinion of some of the Municipal Councillors with whom I have discussed this matter of the desire of Government to amend the Municipal Regulation on the lines that have been suggested, there is absolutely no necessity or reason to amend the Regulation in the manner proposed. The reasons stated in the Bill are not satisfactory and adequate. It is said that the elected President being a professional man will not be able to look after the details of the Municipal Administration. I may be permitted to submit that this is taken for granted or assumed, how the Government will substantiate this statement is left to them. In my opinion and in the opinion of others I don't think the elected President will not have the willingness or convenience or will be subject to any disability to look after the details of the Municipal Administration.

And with regard to the comparison that has been made between Bangalore and Mysore the pioneer cities in the State and the Presidential cities like Madras, Bombay, Calcutta and even less important cities like Ahmedabad and Poona in British India, I do not think it is fair and reasonable to place Bangalore and Mysore on the same level with these far advanced cities. In point of administrative capacity, financial position, advancement and education, I do not think that Bangalore and Mysore can vie with any of these cities. Of course after some time if our cities are allowed to grow in importance probably they may come up to the level of the 4th or 5th grade advanced cities in British India.

There is another reason assigned to bring about this change. It is rather unfortunate that the Municipal Councillors have not been consulted in this matter. Their considered opinion has not been called for. If it is that the present Municipal President, who cannot be said to be a Municipal Commissioner in the real sense of the word as he is out and out Government officer, has agreed to this amendment, it is not fair to make his opinion binding upon the Municipal Councillors. I think it is absolutely necessary in the circumstances of the case that the Municipal Councillors whose powers are going to be taken away by a stroke of the pen should be consulted. Otherwise it will be stabbing the Municipal Councillors in the dark behind their back. This extraordinary officer will exercise all the powers which the President, Vice-President and the Managing Committee are now exercising. All the important executive functions the Commissioner will discharge. He will work independently and he will have the control of the purse.

MR. MIR HAMZA HUSEIN.—I beg to correct that he will have no control of the purse.

MR. B. V. RAMASWAMY CHETTY.—He will have control of the purse in the sense that he will be the author of the budget. But as to how much should be spent with regard to contracts and other matters it may be that he must confine himself to the budget; that is another matter. Therefore, I am not wrong in saying that he will control the purse also. The staff, clerks, the Engineers, the Health officers, all these will be subordinate to him. They will not be subordinate to the President or the Municipal Councillors. As Mr. Subbiah said, the President and Vice-President will simply be the chairmen in the Municipal meetings. And what are the Municipal Councillors to do? They will be members of a debating society attending meetings—talking something about unimportant matters; and when the powers of the Managing Committee will be taken away and given to the Commissioner there will be no managing committee at all. The Municipality may go. The Government may take the administration of the cities into their own hands as was the case before the Municipal system was introduced *i.e.*, prior to 1865 or so. The Municipalities have gone on improving and developing and all of a sudden this attempt is made to smoother them.

I put the question to the Government, whether it is reasonable to take this step, whether it is not a retrograde step to deprive the President and the Municipal Councillors of the powers they are exercising.

In the opinion of the Government the Municipal Councillors and their Presidents are incompetent. They are not fit to possess these powers. The consequence would be, as Mr. Subbiah said, nobody will care to stand for election. Some may come forward, but I don't think there will be much attraction and enthusiasm. The Municipal Council will exist no more as an efficient body and things will go from bad to worse. So Sir, there is no necessity to rush through the Bill. Now the Bill is taken to be read and the matter will be referred to a select committee consisting of some members who will certainly help the Government and the Bill will be passed into law.

DEWAN.—I don't think Government can be accused of this charge in picking the members of their select committee. The report of the select committee will come before this House.

MR. B. V. RAMASWAMY CHETTY.—I ask for a referendum to the Municipal Councillors and their opinion taken. There is no necessity to rush through the matter.

It is rather unfortunate that Mr. K. P. Puttanna Chetty from whom we expected so much support has gone over to the other side. Even now I appeal to him to make up his mind to reconsider the matter.

MR. B. ABDUR RAHMON.—Sir, if this Bill is passed into law, I am sure that the people of Mysore will be losing a privilege that the Government have generously given to them in the shape of Local Self Government and the interest that they are now evincing in the Local Self-Government will be lost.

The statement of objects and reasons published with the Bill, says, that "the work of Municipal Administration in the City Municipalities has been growing in volume and complexity and the present practice of appointing a full time Chief

Officer to work under the direction of the Council and the President, is found to be not quite adequate for effective control of the growing work. Further the elected President of the Municipal Council happens to be generally busy and a professional man who cannot afford to look after the details of the Administration." This statement, as it is, has not made out a sufficiently strong case for appointing a Commissioner with such exhorbitantly high powers as have been enumerated in the Bill. This will not only frustrate the object of the Local Self Government at a time when the Government is considering to give reforms to the people, but will throw cold water upon the zeal of the people.

Municipal Councils are supposed to be the training grounds for the non-officials. Here the public men (Councillors) begin to take part in the public affairs and thus get themselves initiated in the administration of the country. The great public men of whom we read and hear so much now, are those who had had their training in the Municipal Councils. It is also said that the Presidents will not have adequate time at their disposal to attend to the growing work of the cities. We have only two cities in Mysore. In both of these we have got improvement works. These improvement works are entirely coming to a completion, and I am sure in the course of a few years they may come to an end and then after that the Municipalities will have nothing but repairing of roads and improving of their drains, which will be routine work not requiring the supervision of an officer called the Commissioner with such exhorbitant powers as given to him by this Regulation.

This Regulation has been copied verbatim from the Bombay District Municipalities Act and the City of Bangalore is compared with that of Bombay and Madras. Secondly the income of the Cities of Bombay and Madras is crores, whereas, that of the Cities of Mysore and Bangalore is not more than 4 to 5 lakhs. The powers that have been given to the Commissioner, *i.e.*, to be appointed under this Regulation in the Cities of Mysore, comparing the income of the Cities of Bangalore and Mysore with that of Bombay and Madras, seem to be exhorbitant. There the Commissioner has a power of expending a thousand rupees without taking the sanction of the Council. Here also the same has been extended to him. The works there are enormously larger than here. So the power of spending Rs. 1,000 in the Cities of Mysore is not proportionate to the income of these cities compared with that of the Cities in Bombay.

Secondly he has been allowed to buy and sell to the extent of 500 rupees, same as that given to the Commissioner of Bombay. These powers are exhorbitant to the Commissioner to be appointed in Bangalore and Mysore. Therefore they must be proportionately reduced in accordance with the income of the cities.

This Regulation, as it now stands, gives very exhorbitant and arbitrary powers to the Commissioner. The framers of this Regulation have simply copied it from the Bombay District Municipalities Act without paying any attention to the extent and the financial conditions of the Cities of Mysore when compared with those of Bombay. These unlimited powers given to the Commissioner, if he is a clever man, can be used without bringing any expenditure to the notice of the Council. He may divide the work into parts not amounting to more than Rs. 1,000 and can go on executing them, simply bringing them for the information of the Council within a month or so as per rules. Thus all the works of the Council will be executed without taking sanction of the Council. Sections 201 and 202 give unlimited powers to the Commissioner by which means he will go on executing the contracts and other works without any control of the Council.

The powers of the Presidents are given in Section 24 of the Municipal Regulation. But this Regulation takes away the powers (*b*), (*c*) and (*d*) from the President, leaving him only the power described in (*a*) which means the President has only to preside over the Council meetings and after the deliberations he disappears from the scene till the next meeting comes into existence. Thus the powers of the President are no more than presiding over the meeting and its deliberations and leaving all other things to be done by the Commissioner. This does not seem to be enough work to a President of a City Municipality and the Vice-President will have nothing but to come and sit in Council along with the President. The Council at present has power to spend Rs. 500 only, whereas the Commissioner

has power to spend as far as Rs. 1,000. Here I do not understand whether the Council is subordinate to the Commissioner or the Commissioner to the Council. I do not know why that Section was not altered in the Municipal Regulation and why the powers of the Council were not defined. This present Regulation makes the Council a body with no powers at all.

Section 24 (*b*) as altered by this Regulation gives the whole control of the purse to the Commissioner. The term of the Commissioner is unlimited in this Regulation. Whereas in Bombay according to Section 186 (*b*) (*i*) his term is only for three years.. I do not understand why his term has not been limited here. The salary of the Commissioner will on no account be less than what was the salary of the Chief Officer. Thus the City Municipal Council with an income of 4 lakhs of rupees will have this extra burden of paying this heavy salary along with the allowances to the President and the Vice-President. This extra burden will to a certain extent be certainly unbearable to our City Municipalities. Whereas the income and expenditure is quite uncomparable with those of the cities of Bombay and Madras.

We had only elected President in the City of Bangalore. Before that we had official Presidents. After that we had nominated non-official and official Presidents in the persons of Dewan Bahadur K. P. Puttanna Chetty and Rajasabhabhushana C. Srikantesvara Aiyar. To the City of Bangalore the privilege of electing its non-official President was given and only one Honorary President was elected who was on the Council for a period of one year or so and so soon the Government is tired of giving a chance to the City Municipalities of having their own elected Presidents with sufficient powers. The experiment has been tried only in one Municipality and only for a period of one year. This I do not think has so soon tired the Government as to bring this Regulation into existence so hurriedly or I do not know whether this experiment has shaken the confidence of the Government in the people. This in no way commends the improvement of the Local Self-Government. When the Government is thinking to give more powers to the people under new reforms, this will be a retrograde step in Local Self-Government.

In the interest and healthy development of the Local Self-Government, the Government must give sufficient powers to the non-official Presidents and Vice-Presidents, so that they may take part to a certain extent in the administration of the Municipality. If all their powers are taken away as this Regulation suggests, they will have no interest in the working of the Municipalities, and their attention even that much which they are now bestowing upon the Municipal affairs will be diverted towards other vocations and the main object with which the Local Self-Government has been instituted will be frustrated. The object with which the Local Self-Government is introduced in Mysore is, if I am right, to allow the people to take part in the administration of the local bodies. Whereas this Regulation, as it is, takes away even much of the power as is now given to these bodies. Therefore I request that the Government may give their consideration before bringing this Regulation into existence.

Sir, I appeal to the Government before this Regulation is passed into law, that this may be placed before the two City Municipalities and their opinion taken and then brought before this Council for discussion and afterwards be referred to the Select Committe.

MR. VENKATESAIYA.—Sir, I also beg to oppose this measure. I think this measure is likely to affect me. I wish to say a few words on this occasion. I am of opinion that this is a retrograde measure to be taken up in the scheme of local self-government. The reasons for opposing the introduction of this measure are elaborately given by the previous speakers and I wish to add only one more remark. One of the reasons given for the same measure by the Hon'ble mover is to remove abnoxious presidents. Section 189 (2) is only an eye wash. Such an application has to be previously supported by not less than three-fourths of the number of members of the Council, *i.e.*, in the whole of the Council consisting of officials and non-official members. To get a three-fourths majority is practically impossible. The Commissioner will be practically safe and immovable so long as he will be in the good grace of the Government and the Municipality, assisting the President at its

head. If it is virtually transferred to the proposed Commissioner the Municipality will be merely a constitutional body and practically will have no powers of enforcing its advice.

DEWAN.—Is that so in Bombay, taking that the Bill is on the Bombay model?

MR. VENKATESAIYA.—I am referring to the Bill with the knowledge of facts that I have gained in the working of the city and town Municipalities. The city Municipalities after this measure has passed will be reduced to a position inferior to that of town Municipalities. I know for a fact that town Municipalities are working fairly well wherever it has got an elected President.

MR. MIR HAMZA HUSEIN.—Are there elected Presidents in all town Municipalities?

MR. VENKATESAIYA.—No. I dare say my opinion is confirmed by the speeches which accompanied the introduction of this measure.

With these observations, I beg to oppose the measure.

MR. MOHAMAD ABBAS KHAN.—I am sorry I will have to differ from the views expressed by some of my learned colleagues in this matter. The statement that the appointment of a Municipal Commissioner will subvert and frustrate all principles of self-government is totally incorrect. Because from the provisions of the Bill we find that the administration of a municipality is entirely vested in a Municipal Council and that a Municipal Commissioner is only an executive officer of that body. Even such a clear provision to these effects cannot be found in the Municipal Regulation, which is now in force. It cannot be contended that the municipal council can take upon its head the responsibility of executive functions without the aid of an executive officer. Nor is it feasible for an honorary President to assume that responsibility without the help of an executive officer. So the need for an executive officer is admitted by all.

Now we have got an executive officer who is called a Chief Officer. The present proposal is to replace him by appointing another officer with higher powers. No doubt the powers proposed to be given to the Municipal Commissioner are higher than those of the Chief Officer. But no apprehension need be entertained on that account, because the Municipal Council is the fountain head of a Municipality and it has power to remove the Municipal Commissioner from his office. Besides, it can entertain appeals against his decisions in certain cases. The Municipal Commissioner has no right to vote on any subject. He has no right to preside over a meeting. Nor can he order prosecutions for the infringement of Municipal Rules and Regulations. Therefore it is not correct to say that all the powers are vested in the Municipal Commissioner.

MR. RAMASWAMY CHETTY.—You are mistaken, I am sorry. He can prosecute.

MR. ABBASKHAN.—Yes, in certain cases, but not in all except with previous approval of the Municipal Council, *vide* sub-caluse (*d*) of caluse 2 of section 194 of the Bill. Further the Municipal Commissioner will not be competent to exercise any powers in respect of the sale or purchase of any immovable property for the Municipal Council. He has no powers to punish, dismiss or even to grant leave to any of the teachers of the Municipal Schools, the management of which is vested in the Education Committee. No doubt it is stated that in the matter of finances certain powers have been given to him. He can accord sanction for incurring expenditure to the extent of Rs. 250. But he has no authority to sanction expenditure over that amount, without the knowledge of the Municipal Council. If this or any other powers are considered to be excessive the matter may be considered both in the select committee and in this Council at a later stage.

I admit that there is no paucity of qualified non-official members to conduct the administration of City Municipalities efficiently with the help of a Chief Officer as heretofore. But the question for serious consideration is how many persons are available and for what period who can devote their full time for civic work at the sacrifice of their professional callings and whether the Municipal administration of the important City Municipalities can be left to the chances of uncertain probabilities.

I therefore strongly support the principles and the general provisions of the Bill. I would however like to mention that the prestige of city municipal Councils and the prestige of their Presidents and Vice-Presidents, should be fully maintained. If the powers of the Municipal Commissioner are considered to be excessive in any respect, they may be modified so as not to impair the efficiency of the Municipal administration.

RAO SAHEB CHENNIAH.—SIR, I beg to support the Bill now before this House. The two important directions in which it is proposed to amend the existing Regulation are, first to have a Commissioner in the place of a Chief Officer, and secondly to have an elected President and Vice-President *annually*, instead of once in 3 years as at present. I think so far as the remarks which have been made by the previous speakers go, no objection has been raised to the election of a President and a Vice-President annually. So, the objections taken are against the appointment of a Commissioner.

The Bill is just in its primary stage. When it is referred to the Select Committee, any objections to the proposed measure can be taken up and discussed then. I think, there are very strong grounds to introduce this measure into the two important cities of Bangalore and Mysore. They are daily growing in importance and an Honorary President, I think, will not be able to do justice to the responsible and important duties of a President, as they are defined in the existing Regulation. Usually, an Honorary President will be a business man or a professional man. It is very necessary that there should be a full-time officer to devote his entire attention to the executive duties of these important municipalities.

It has been stated, that by appointing a Commissioner, the President and the Vice-President will loose their prestige and be clipped of their powers. I think these officers are elected and are there to serve the rate-payers and not to enjoy prestige and powers. So I do not think there is any reason for entertaining any such fears.

It has been said that the proposed Commissioner will be invested with very high powers regarding the granting of contracts or spending of money. To prevent any abuse of such powers he may be given the assistance of an Advisory Managing Committee to guide him in these matters and he will also have the advantage of the assistance of the elected President and of the Councillors. And, as remarked by Mr. Abbas Khan, there is no reason why one of the councillors should not be appointed as a Commissioner.

For these reasons it is very necessary to have a Commissioner instead of a Chief Officer, and as I have stated, if there are any objections, criticisms or suggestions, they may be placed before the Select Committee to which the Bill will be referred.

RAJAKARYAPRASAKTHA RAO BAHADUR M. SHAMA RAO.—SIR, I beg to support the Bill and as a citizen of Bangalore I welcome it. So far as the President and the Commissioner are concerned, I do not think any conflict is intended and the citizens are not much concerned with the prestige of the President or the Vice-President, which is said to be lowered by the appointment of a Commissioner by his side. The citizens want the whole Council to work smoothly and effectively. The object of the Bill seems to me that it is intended to give an efficient officer, called the Commissioner—who can effectively carry out the schemes put forward by the Municipal Council and the measures formulated by them.

The Chief Officer has been found to be not of sufficient status and therefore he is not able to effectively carry out such schemes, whereas the Commissioner will be a man of higher status and carry weight with the Municipal Council. Therefore I do not think there could be any conflict between the President and the Commissioner. Even supposing that the Commissioner goes wrong, I do not see what objection there is to call him to account. I see as a matter of fact in the Madras Municipal Council often times such discussions taking place.

The Municipal Council as a body have full powers of discussing any measure and calling to question the conduct of the municipal employees including the commissioner and if they are not satisfied with their explanations to pass resolutions or take other action. I believe, the Government will certainly attach due weight to such resolutions or any proposed action.

I strongly support the Bill for the appointment of a commissioner.

MR. M. RAMACHANDRA RAO.—SIR, I beg to oppose the motion. Messrs. Ramaswamy Chetty and Abdur Rahmon have given very good reasons why Municipal Commissioners should not be appointed and why the present Bill should not be approved of by this Council. It looks as if an attempt is made by Government to take away by one hand what was given by the other. The power to elect non-official Presidents was only very recently granted to the Municipalities of Bangalore and Mysore. The first non-official President for Bangalore was Dewan Bahadur K. P. Puttanna Chetty who should be regarded more as an official than as a non-official. The non-official President that succeeded him served the Municipality for only two years. The experience which the Government had gained within this short period could not be said to be enough to justify a change as now proposed. I hope this Council will see through this before voting on the motion.

MR. B. N. VIJAYA DEVA.—SIR, I should like to speak a few words. In my opinion the consideration of the principle should be postponed at least for some time to come. The question is one of devolution of power. Many previous speakers were against such a devolution.

SIR, members of this Hon'ble House will remember that only at the last meeting, probably two meetings prior to it, we accepted a great scheme of self-Government appointing non-official Presidents and Vice-Presidents of District and Taluk Boards. Adding to that you, Sir, as the head of the Administration were kind enough to announce reforms so that I take that Government, in a way, agree to this principle that people as such in the State would be given more power and I do not therefore see firstly, how the necessity arises for introducing the Bill and secondly, where the necessity is to rush it through by taking advantage of Rule 32 of the rules of business. It is not a money Bill. If it were so, I could understand the position of the Government in taking advantage of the above rule and securing their object.

SIR, I would like to emphasise all the more that this announcement followed by such a hurried introduction will engender a suspicion. Some speakers who were in favour of this measure seem to think that in the Select Committee matters will be set right.

The Hon'ble Members of this House will excuse me if I say that the powers of the Select Committee are rather limited. The Select Committee cannot get behind the principle of a Bill when once this House commits itself by granting leave to introduce and allowing a Bill to be read. Therefore, before accepting the principle, I would rather urge that Government will consider whether there is any necessity to hurry it and more especially to make it a law. I make this appeal in view of the difference of opinion that exists among the spokesmen of the premier municipalities. I respectfully urge that it will do well to obtain opinions of the municipalities before the Bill is taken up for consideration.

SIR, one more point and I am done. My friends who opposed were certainly not opposed to the introduction of an Executive Officer of the Municipalities, but their arguments were that an officer like the one proposed with almost unlimited powers is not necessary. A Municipal Commissioner is unnecessary in my opinion. The powers already enjoyed should not be taken away and that self-Government principle should be extended by giving more power to the people. This proposal, in a way, is cutting away the powers already existing. Further as I have said above there is not such an urgency. And the Government have not made out a case for this House to grant leave for the Bill being read. I would respectfully ask the Government to obtain the opinions of the several municipalities of the State on this important question, before this Bill is taken. With these few words, I would ask Government to consider the postponement of the consideration of the question for the moment until opinions are obtained respecting the advisability or otherwise of introducing the Bill.

MR. H. VENKATARAMAIYA.—Sir, I am in a fix in this matter. I am personally opposed to the Bill. In fact this Bill will enable Government to put the commissioner over the whole of the Municipal Council and that will certainly be against the principle of local Self-Government. And the second point for which I oppose this Bill is, if this Bill is introduced it will make the City Municipalities worse than Town Municipalities. But I have been asked by a large number of my electors to

support this Bill. Section 3 of the amending Bill changes the term of the Presidentship from three years to one year. In fact a large number of citizens of Tumkur who are also my electors wanted to come here to-day and wait on you, Sir, with a representation that the period for the Presidentship should be changed from three years to one year. I very heartily support that portion of the Bill.

MR. N. S. NANJUNDIAH.—I rise to support the Bill on hand. I am of opinion that the question of constitutional reforms has no bearing on the question under discussion. The Bill does not make the appointment of a Municipal Commissioner obligatory, but only enables the Government to make an appointment in cases where such a step becomes necessary. It is nothing but right that in the interests of the well being of the people, the Government should have power to handle the situation in cases of embarrassment, and the provision now made is only an enabling one. I therefore support the motion.

RAJASABHABHUSHANA DEWAN BAHADUR K. P. PUTTANNA CHETTY, C. I. E.—Well, I never really thought that there would be such a distinct cleavage of opinoin on such a simple subject. If I had thought that the powers of the Councillors were in any way curtailed, I would have been the last person to consent to the introduction of this Bill. I held charge of the local self-government portfolio when I was an Executive Member of Government. And after I retired I have had the good fortune to take an active part in the introduction of the new Local Self-Government Regulation. I for one strongly support the principle that nothing should be done to impair its provisions, but I think my friends have beeen labouring under some misapprehension. The object is not to put a Municipal Commissioner over a Municipal Council, in supersession of the President. It is to enable the Council to have the services of an officer who will discharge his executive duties in a very efficient manner. All the executive powers were centred in and performed by the President when I was the President of the Bangaloro City Municipality. I think, in my time, the whole brunt of the municipal administration fell on the Honorary President. In a large and growing city like Bangalore, the responsibility is really very great and it requires a wholetime officer to undertake such responsibility. It is not a busy professional gentleman or an old retired officer who can competently discharge these duties. The Council will not lose one iota of their powers, by the appointment of such an officer. In fact the Commissioner is bound to carry out its orders.

MR. B. V. RAMASWAMY CHETTY.—It is not provided in the Bill.

DEWAN.—Perhaps the misapprehension may be removed and the word executive' explained.

MR. K. P. PUTTANNA CHETTY.—He is the executive officer of the Municipal Council but not Government. I think there is no reason for such misapprehension of that position. It is not novel. It has been tried in almost every province in India. This is quite good enough for our city which I love quite as much as any of you. If I thought that the municipality would suffer from the introduction of this Bill I should be the first man to oppose, but I never thought that such a thing would be intended by it. The Municipal Commissioner will be the chief executive officer of the municipality and as regards the extent of powers, that is a matter to be decided in the Select Committee. In that view I heartily support this propositiou.

I think all these arose through the misunderstanding of powers and functions of an executive officer. It was considered that a large city like Bangalore requires an executive officer, but as to what his powers shall be is a question to be settled hereafter. Afterwards it is for this Council to say what those powers shall be. I would recommend this Council to accept the principle of this measure. Certain requisitions have been received from the Bangaloro Municipality for accepting this measure and those were considered and this Bill is the result of their deliberations.

MR. MIR HAMZA HUSEIN.— Sir, my task has been rendered extremely easy by the speeches that have been delivered by my friends Rajasabhabhushana Dewan Bahadur K. P. Puttanna Chetty and Messrs. Abbas Khan and Chenniah. They have I think, fully met all the objections which have been raised from the opposite side. I would like to say something on only one or two points of vital importance bearing on this question. As remarked by me in my introductory speech, the

system that we now propose to introduce in the Cities of Mysore and Bangalore is not a novel one and has been adopted by the great and important Cities of Bombay and Madras. But unfortunately I forgot to explain the principle underlying that measure. I thought that because the system was in force in these places and because it has worked so successfully and has been adopted by other Municipalities there was no necessity to explain it here. Now I find that there is a lot of misapprehension in the minds of the members on the subject. The principle can be easily stated. There ought not to be a combination of functions - Legislative and executive—in the same person and it is immaterial whether it is a corporation or an individual that exercises these powers. That is the principle which now guides the administration of all civilized States and it should apply I think to the administration of Municipalities as well.

A Municipal Council has got legislative powers; it has got executive powers; it has got the power of taxation and in fact it deals with all the various branches of administration and of such a body the President must be an independent gentleman who can control, who can watch and who can check the executive and not one who will identify himself with the acts of the executive.

It is not in the interests of the citizens themselves that the executive power should be vested in the President. The power and prestige of the President will in no way be lowered by the deprivation of his executive functions. My friend, Mr. Subbiah, said that if powers were taken away, perhaps no one will come forward to accept the Presidentship. I am afraid that the citizens of Bangalore will not regard that as a compliment to their sense of civic duty. My own opinion is that they are inspired by a higher sense of civic duty than what has been attributed to them by Mr. Subbiah and his friends.

There is a keen competition for the Municipal Presidentship, not because it gives a Municipal Councillor power to make appointments, but the people have got a higher sense of duty, *viz.*, to serve their fellow citizens. It was also contended that by the deprivation of the executive powers of the President, the Municipal Council as a whole will suffer in prestige as the Councillors will not be able to exercise any executive functions. This is due to a misconception of the duties of individual Municipal Councillors. The Municipal Regulation invests them with no such powers. The Municipal Council cannot and will not suffer in prestige and influence because it retains its control of the policy and has got the power over the purse.

It was also urged that under the new Regulation the Vice-President will lose all his powers and prestige. Under the present Regulation he has no independent powers. He can exercise only such powers as may be delegated to him by the President A Vice-President therefore who is fond of powers will always be under the thumb of the President and will not act as independently as he may be expected to do.

The other points urged are not of much importance. As pointed out by the Dewan, they may be brought before the Select Committee and discussed there.

MR. M. SUBBIAH.— The important point raised was the power of the purse.

DEWAN.—It has already been explained by the Member.

DEWAN.— Gentlemen, I think a word of explanation is necessary from me before I put the proposition to the vote of this House. Some of the members of this House have given expression to certain amount of suspicion against Government in having brought forward this measure and I am particularly sorry to hear from the lips of no other than Mr. M. Ramachandra Rao that this was done with a motive and that the members of this House would see through it before voting for the Bill.

I can say on behalf of Government that there is no motive behind the introduction of this measure at all and in fact, the Government are somewhat surprised that there should be any difference of opinion on the main principles of this Bill at the stage of its introduction before this Council. I personally hold that this Bill is in keeping with the progressive measures adopted in British India and has nothing whatever to do with constitutional reform. I do not agree that it is in any manner opposed to the principles of local self-government or its continued development to which His Highness' administration has been committed.

I may explain that we skipped over the first stage (to which my friend Mr Vijaya Deva has taken exception) merely because we thought that there would be no objection to the principle. This discussion was therefore quite unexpected. One has to remember the relative position in a municipality, which is rather a specialized kind of local administration, of the Council, the President and the Executive. The chief Executive of the Municipal corporation, *i.e.*, the President, is a representative mouthpiece of the Municipal administration and the municipal corporation as a whole. As municipal administration grows in complexity, even in the most democratic countries in the world, the chief executive is appointed not as a master of the Corporation but as a servant, to carry out its policy as laid down in the laws and Regulations and bye-laws, as well as the financial policy that will be laid by the budget to be sanctioned by that body from year to year and not to exercise any independent authority.

The Commissioner is intended to be only a servant of the Council, whose policy he should adopt. The President is responsible to the electorate. The executive is subordinate to the Council and has to be responsible to the Council. Further this Bill is really an enabling provision of law in any particular City Municipality.

As regards the extent of powers, there is some force in some of the arguments made by the members of this House and especially the observations made by my friend Mr. Abdur Rahimon, regarding the analogy of the extent of powers which were given to the Municipal Commissioners in large cities in British India. But I think even he will concede that these are matters which do not go to the root of the principle and may very legitimately be discussed in the Select Committee.

I must say that the Government introduced the Bill with the full belief that it is quite consistent with the principle of Local Self-Government and that it will enhance the prestige of the elected Presidents and will give them a really business-like support and valuable assistance in the discharge of their functions as Lord Mayors of the cities concerned.

I hope that these words of explanation will remove the misapprehensions. I will now put the motion before the Council to the vote.

The motion was put to vote and carried.

MR. MIR HAMZA HUSEIN.—Sir, I beg to move that the Bill be referred to a Select Committee consisting of:—

1. RAJASABHABHUSHANA DEWAN BAHADUR K. P. PUTTANNA CHETTY, C. I. E.
2. RAO SAHEB H. CHENNIAH,
3. MR. MAHOMED ABBAS KHAN,
4. „ M. SUBBIAH,
5. „ B. V. RAMASWAMY CHETTY,
6. „ B. ABDUR RAHMON,
7. „ K. SHANKARANARAYANA RAO, and myself.

RAJASABHABHUSHANA DEWAN BAHADUR K. P. PUTTANNA CHETTY, C. I. E.—Sir, I beg to second the motion.

The motion was put to vote and carried.

5. Bill further to amend the Mysore Stamp Regulation, 1900.

MR. MIR HAMZA HUSEIN.—Sir, the Mysore Stamp Regulation was passed in the year 1900 on the model of the Indian Stamp Act of 1899, in supersession of the Indian Stamp Act 1879 which had been extended to Mysore. The schedule of rates adopted in 1900 has remained intact all along, except for a slight revision of the rates of duty on Bills of Exchange in 1916. To meet the increased cost of administration and to tide over the existing deficit and financial stress it is found necessary to enhance the rates of stamp duty. In the neighbouring Presidencies of Madras and Bombay where similar conditions prevail the same course has been adopted and the rates have been enhanced from 50 to 100 per cent in certain cases. The Special Finance Committee was consulted in the matter and they have after a thorough

examination of the finances of the State recommended that the rates may be raised so as to secure an increase of revenue from stamp duty to the extent of 33⅓ per cent. The present Bill has accordingly been prepared on the lines of the Madras Act but restricting the increase to 33⅓ per cent, instead of 50 to 100 per cent as in Madras. The rates could not, however, be fixed in all cases exactly at one-third in excess of the original rates owing to the non-existence in the Stamp Manufactory, of dies representing intermediate values and on account of the inconvenience that would be caused to the public by having to paste together a number of stamp papers to make up the prescribed stamp duty in any case. The schedule Ia has accordingly been revised, and the rates have been fixed at convenient figures so as to secure on the whole an increase of 33⅓ per cent as recommended by the Special Finance Committee. The old rates will continue only in respect of such documents as are not included in Schedule Ia Such cases are very few in number—only 8 in fact—such as Bills of Exchange, Proxy-Certificates, Policies of Insurance, etc., where it is desirable to have the same rate as prevails outside Mysore. In the case of leases and mortgages, a more comprehensive and detailed list is prepared and provision is also made to charge duty at Mysore rates in the case of documents, originally stamped outside Mysore, but requiring to be stamped afresh on their arrival in Mysore.

In view of the urgency of the measure and the need to bring it into force as early as possible, the Bill has been published in the Gazette under Rule 32 of the Rules of Business of this Council.

I therefore beg to move that the Bill further to amend the Mysore Stamp Regulation be read in Council.

MR. K. CHANDY.—Sir, I beg to second the motion.

MR. H. KRISHNA RAO.—Sir, it is with mingled feelings of pleasure and pain that I stand before you to oppose the Bill. Pleasure, I feel, at the frankness the Special Finance Committee and the Government have exhibited in advocating this measure aiming at pushing the pointer of taxation higher and higher. Pain, I feel, at the drastic consequences that are sure to befall on the already heavily taxed people. Viewing without a tinge of partiality, I can safely and firmly maintain that such a step of our benign Government would hamper and harrass the people. It might be argued that this measure tells only upon a section of the people; I mean the litigant section which will profit by such a costly game of litigation. But the life of individuals and the corporate life of society are interwoven. There is a play and interplay of their actions. The loss of individuals will be in the long-run distributed over the heads of all. Moreover the major portion of our population are agriculturists whose profession is the hardest, yet ill-paid. This measure indirectly thwarts their progress, as they and their immediate superiors will fall a prey to such a higher taxation. Secondly it might be said that higher taxation goes hand in hand with greater efficiency. This line of argument is a pure myth. As true as higher wages need not mean higher productive capacity, so also higher expenditure need not mean efficiency. That efficiency is a curse which lays a heavy toll on the people's purse. Who can say that the proposed measure does not make the poor purse leaner than before

I do realise the delicate position the Government have been drifted into partly by natural circumstances and partly by those of our own making. The higher standard of life coupled with ever increasing Government expenditure have put the Government in a stalemate. The path that is to be cut in this dilemma is not to increase the taxation but to cut the coat according to the coverlet. At present all pushing Governments are reducing even indirect taxation for fear of unpopularity. The increased taxation is a facility to meet increasing Government expenditure. But as the late Mr. Gladstone observed "all excesses in public expenditure is not only a pecuniary waste but a great national and above all a moral evil", and with every increase in public expenditure the tendency is to increase it further. Although theoretically taxes of this kind fall heavily on a section of the people, yet, as I have said above, the raising of stamp duties, court fees, etc., fall on the poor. The late Mr. Gladstone also said that the facility of reverting to and increasing the tax whenever fresh expenditure was incurred was the main cause for extravagance in a Government. May I not boldly sound the note of warning therefore, lest our State should fall into the error? True that the subjects ought to

contribute towards the support of Government as nearly as possible and in proportion to the revenue which he enjoys. But for the masses of Mysore, a bare existence, not to speak of a decent one, becomes very difficult. Is not the Government then adding a drop of misery into the cup of poverty already filled to the brim? Thirdly, this tax withdraws the capital from productive use and diverts it into the channel of barren consumption. Even for this single consideration, is the State morally justified in the pursuing of this object?

Considering all these, it appears to me that it is not time to push up the taxation Bill. Even granting that such a course is only necessary to establish the financial equillibrium of the State which the Government as well as the special Finance Committee have in view, I for one maintain that before such additional taxation can be proposed by Government or can be supported by non-official members, it is necessary that all the retrenchments as suggested by the Special Finance Committee must be exhausted. This is the view as held out by a very large section of the people of the State and I have placed it to-day before this House. Lastly, if I may venture a suggestion, I would like the question to be postponed for solution until after the coming into being of the reformed Legislature. All minds are anxiously anticipating almost breathlessly the momentous magna charta. The reformed Council and the assembly seem to be only the fittest organs to be consulted in this grave measure. Thus doing, the Government will have the proud privilege of ensuring the surest popularity on the one hand, and of having discharged one of the sternest and gravest duty that of steering the ship of State according to the current of the times.

With these few remarks, I oppose the Bill in the confident hope that this view will be fully supported at least by all the non-official members of this House.

Mr. SUBBIAH.—Year after year it has been repeatedly represented in the Representative Assembly that taxation is a great burden on the people, and that no fresh taxes should be imposed.

The Special Finance Committee have sent in recommendations by effecting which there would be a large savings of about Rs. 24 lakhs. I think it would be wise not to rush into fresh taxation unless we are forced to do so. It would be better to reserve some of the resources for our aid when we are launched in difficult positions. I think it would be better that we wait till the next Budget, and if it is then found absolutely necessary that this taxation should be imposed, steps may be taken to do so. The Bills brought forward before this Council may be deferred till next year, and with these remarks I support the previous speaker.

RAO SAHEB CHENNIAH.—I feel I must say one or two words in supporting the proposed legislation. One of the recommendations of the Special Finance Committee is to increase the stamp duty in certain respects, and that proposal was made after mature consideration. The retrenchments proposed cannot, as will be admitted by all, be effected immediately. They will take time to be carried out. This legislation is not going to be brought into force at once. It will first be referred to a Select Committee and their deliberations will be considered by this House and it is only after this that it can be passed into law. If by that time the financial position improves and enhancement of stamp duty is found unnecessary, the question can be dropped.

Similar legislation to increase stamp revenue has been introduced in British Provinces, and I think under the pressing necessity of our State to find more money to meet large deficits staring in the face, this measure is absolutely necessary. For the above reasons, I support the Bill.

MR. PARAMASIVIAH.—I think that this Bill to amend the Stamp Regulation with a view to secure an increase of the revenue should be postponed until after all the recommendations of the Special Finance Committee are given effect to. Even after this, if Government find that it is absolutely necessary, for purposes of carrying on the administration it may be taken up, and not till then.

MR. VIJAYADEVA.—I think a few words are necessary from me. During the last budget speech of mine in connection with the introduction of a similar Bill, I mooted the subject of the Court Fees Act to be adopted here just on the lines

adopted by the local legislatures of Madras and Bombay. On that occasion I tried to justify my position both for myself and also for the sake of the electorates whom I have the honor to represent. I find now that my speech of the last occasion has been welcomed by the Special Finance Committee and I think that they expect my support now. I do not take pride in this. But I only mention it incidentally in connection with the arguments that I wish to develop hereafter in my speech.

All available and possible retrenchments have been effected for the existence of the machinery of Government. When it cannot cope with the expenditure even after these retrenchments, I think, Government are justified in introducing this additional taxation.

The Special Finance Committee with due deliberations have tried the various ways of retrenchments and found in the present condition of the State that the introduction of this taxation also is necessary. I take it that there is good reason for them to recommend this taxation.

I would also urge some more reasons for the support of this measure. From the speechs of my honorable friends and especially of Mr. H. Krishna Rao, I understand that this is an indirect taxation. I quite agree with them. Representatives of the people must oppose a measure of direct taxation if it is to fall on the general public. For example to illustrate what I mean, I would only refer to taxes like salt tax. Salt is a commodity which is used by all and any taxation on it would be a general taxation. But the present taxation is a taxation which affects only a certain class of people, *i.e.*, the litigant public.

Mr. Ramaswamy Chetty.—It is easy to oppose a Bill, but I do not think it is equally easy to propose such a Bill. Under the financial stress of the State, Government are trying to levy increased taxation; they are trying their best to get over the financial difficulties and in doing so they will have to tap all the resources that are available.

The Special Finance Committee sat and took evidence of Heads of Departments, lawyers, merchants and leaders of Societies and have brought to bear their own experience, as to in what ways retrenchments could be effected, in order to get over these difficulties, which the Government have unfortunately been subjected to. In the light of all these we have to give our opinion. It is easy to say that the people will suffer by the imposition of new taxes, but when the times are such, all, both officials and non-officials, agricultirists as well as merchants, must suffer to help the Government to get over these difficulties. Of course in these days of stress and trouble we must all share the burden, when it has been proved to us that the necessity is very urgent.

It was said that all possible retrenchments should be effected before we have recourse to taxation. But it may not be possible for Government to give effect to all the recommendations of the Special Finance Committee all at once.

I think it is of no use to cavil about this matter. It is our duty to make up our minds to give our consent to the Bill.

Mr. K. Chandy.—It seems to me that it is the duty of this House to support a measure of this kind. A Committee consisting mainly of members of this House, considered in detail all the available resources of the State and all possible retrenchments and after due deliberation have proposed an increase in Stamp Revenue as one of the measures by which the finances can be balanced.

In the second place this tax is not a tax on the poor as Mr. Hosakoppa Krishna Rao is inclined to fear. A tax on salt would certainly affect all classes of people both rich and poor, while that is not the case with the proposed measure. The proposed increase will not affect the poorest classes who do not usually use stamps at all. It is certainly the duty of the people who do use stamps to come to the rescue of Government at times like the present.

In the third place I should like to remind Mr. Krishna Rao that the improvement of the conditions of the Malnad requires much money and the present measure helps Government to carry out this most important and urgent work. Without money it is not possible to do anyting.

For these reasons I would request that this measure may be approved of by this House.

MR. M. N. KRISHNA RAO.—The chief reason for the proposed measure is financial necessity. Some of the members expressed the opinion that we should wait until all the retrenchments are given effect to. Let us see what has been done in this respect so far.

The total retrenchments proposed by the Special Finance Committee amount to about Rs. 37 lakhs. As a matter of fact, reductions to the extent of about Rs. 28 lakhs were made in 1921-22 and a sum of about Rs. 16 lakhs was saved while framing the budget for the current year and the total expenditure has therefore been already cut down by about Rs. 44 lakhs.

There are some items which cannot be touched and the economies already made are really considerable and represent no mean achievement, considering the proportion they bear to the total expenditure of the State. As for further retrenchments, such of them as are feasiable will be made, but after all there is a limit to the reduction to which the standard of expenditure can be subjected. The main object should be to keep the administration going, and going as efficiently as possible. These points have been very clearly explained in the Dewan's Address to the Representative Assembly at the last Session and I do not think it is necessary to dwell on them at any great length.

I think Mr. Subbiah stated that if we get the surplus revenues of the Civil and Military Station, our finances would be restored to order and there would be no need for thinking of additional items of revenue. The real position is, however, different and I would invite his attention to the triennial forecast given in the Dewan's last Budget Address to the Representative Assembly. I am sure that the Members of this Council will admit that the cost of the ordinary administration should be met from the normal revenues and that it is unsound and risky to erect the superstructure of administration on resources which are either uncertain or of a capital character. I may cite one instance to illustrate the point to which I am inviting attention. Let us take, for example, Royalty on gold taken out of the Kolar Mines. This item really represents the value of property parted with and it should be treated as belonging not only to this generation but also to future generations. Accordingly, this item of capital receipt should be devoted to the creation of another revenue earning property and not utilised for ordinary everyday administration. But in the present condition of our finances we have been obliged to draw upon even this item of revenue for purposes of normal administration and it is necessary to release it as early as possible to be devoted to its proper use. Let me take another instance to explain my point. The first charge on our Railway revenue should be the cost of renewals and replacement necessary for keeping our railway property in an efficient and serviceable condition. Here again the ordinary administration is now leaning far too heavily on such revenue to the detriment of the interests of Railway Administration.

In the plight to which we have been reduced we are utilising our capital receipts and the best part of the revenue from productive works for ordinary administration and in spite of this diversion of funds from their legitimate purposes, the condition of our finances is one of deficit. The need for improving our revenue position is thus imperative and I hope that the explanation of the financial position I have given will convince the members of this Council of the necessity for the measure under consideration.

MR. K. P. PUTTANNA CHETTY.—I am really glad to find that the recommendations of the Special Finance Committee have been so well supported by most of the eminent members of this House.

In the present financial condition of the State some new taxation is inevitable and all the retrenchments which could be thought of would not help to balance the finances. Retrenchments to the extent of 36 lakhs have been recommended and a great deal yet remains to be done to give effect to it. All this is required to make both sides of the Budget equal.

We would not have recommended and supported any taxation of such a nature as would affect the poorer classes. The Special Finance Committee was careful to

see that land which had already been heavily taxed was not further taxed. This increase of taxation in stamps and court fees has been resorted to in some of the provinces of British India. It was felt that this would be the least objectionable kind of taxation, which could be introduced into our State. I think the stamp revenue if properly administered should be much greater for Mysore than what it is now. You will find from the Special Finance Committee's report that a much larger revenue would come to the coffers of the State than at present if proper safeguards are adopted. By the imposition of this additional tariff, adout one-third more than the present revenue would come in and this addition would be quite appreciable to meet a portion of the deficit.

The same argument applies to the introduction of Court fees also.

The financial position of the State has been explained at some length by the Financial Secretary and I need only say that we cannot but give in and support the measure If the main principle is accepted it is left to this Council to modify the details in Select Committee. As these measures do not affect the poorer classes, this Bill should commend itself to the favourable consideration of this Council.

The motion was put to vote and passed.

MR. MIR HAMZA HUSEIN.—Sir, I next beg to move that the Bill be referred to a Select Committee consisting of:—

1. MR. K. R. SRINIVASA IYENGER,
2. MR. K. CHANDY,
3. MR. H. VENKATARAMIAH,
4. MR. BASAPPA,
5. MR. VENKATESAIYA,
6. MR. ANANTHIAH CHETTY,
7. The Government Advocate and myself.

MR. K. CHANDY.—I beg to second the motion.

The motion was put to vote and passed.

6. Bill to amend the Mysore Court Fees Regulation, 1900.

MR. MIR HAMZA HUSEIN.—Sir, the circumstances which necessitated the preparation of this Bill are the same as those explained by me in the case of the Bill to amend the Stamp Rugulation, and I have nothing further to add except that the enhancement of the rates has in this case been restricted to 25 per cent as recommended by the Finance Committee instead of 50 to 100 per cent as in Madras. The fee for almost every item has been raised by 25 per cent except in regard to those where experience has shown that the amount payable as Court fee is not commensurate with their character and importance. Suits for declaration, suits where it is not possible to estimate, at a money value, the subject mater in dispute and questions referred to Courts for opinion, are instances of the latter kind. In these cases, the fee now prescribed differs for different courts, but is only half of that in force in Madras. A few verbal alterations in the Regulation are also proposed in the Bill, to make its language clear.

This Bill has also been published in the Gazette, under Rule 32 of the Rules of Business, and copies furnished to the members.

With these remarks, I beg to move that the Bill to amend the Mysore Court Fees Regulation be read in Council.

MR. K. CHANDY.—I beg to second the motion.

MR. H. VENKATARAMAIYA:—I beg to be allowed to oppose this motion. It is expected that the amounts realised by means of Court fees, etc., should be utilised entirely for maintenance of courts and the revenue now derived from this source is not only sufficient to meet all the cost of the Judicial department but leaves something over for expenditure in connection with general administration of the State. I do not think there is any necessity for the measure which is now under discussion. For purposes of general administration, no particular department should be taxed, as the burden of the people who resort to courts will become heavier.

While no fee is charged in village courts it seems undesirable to raise the Court fees in towns, and I do not think that any money is spent on the village courts.

DEWAN.—Demands in the form of establishments, etc., from the village courts are being received and these requisitions will have to be complied with.

MR. PARAMASIVIAH.—I am afraid I cannot maintain the same attitude regarding the subject under discussion, as I did in the case of the other Bill. There is pressing need for the establishment of more number of courts to ensure speedy disposal of cases. It is a fallacy to say that the amount realised from any particular department should be earmarked for expenditure in that department alone. For instance, the Police department is not a paying one, still it is absolutely necessary to maintain it as efficiently as possible to ensure proper administration of justice. Such departments can be maintained by the money realised from other paying departments. For these reasons I heartily support the motion.

MR. SUBBIAH.—As the measure does not affect the poor, I heartily support it.

MR. VIJAYADEVA.—The same reasons which I have already put forth in connection with the previous Bill will also hold good in the present case. Government have tried all means for balancing the budget and as they still find themselves in a difficult situation, they have been forced to this recourse of taxation and I therefore support it.

The motion was put to vote and carried.

MR. MIR HAMZA HUSEIN.—Sir, I beg to move that the Bill be referred to a Select Committee consisting of.—

1. RAO BAHADUR M. C. RANGIENGAR,
2. MR. B. V. RAMASWAMY CHETTY.
3. MR. N. S. NANJUNDIAH.
4. MR. M. RAMACHANDRA RAO.
5. MR. G. PARAMASIVIAH.
6. The Government Advocate and myself.

MR. K. CHANDY.—I beg to second the motion.

The motion was put to vote and carried.

7. Bill to amend the Indian Succession Act, as applied to Mysore.

MR. MIR HAMZA HUSEIN.—Sir, the Bill to amend the Indian Succession Act as in force in Mysore was read in Council on the 10th April last and the Council then decided that it was not necessary to refer the Bill to a Select Committee. I beg to move that the Bill be now passed.

MR. K. SHANKARANARAYANA RAO.—Sir, I beg to second the motion.

The motion was put to vote and carried.

8. Bill to amend the Registration Regulation.

MR. MIR HAMZA HUSEIN.—Sir, the Bill to amend the Registration Regulation was read in Council at the last meeting and the Council has considered it unnecessary to refer it to a Select Committee. I now beg to move that the Bill be passed.

MR. K. CHANDY.—Sir, I beg to second the motion.

The motion was put to vote and carried.

9. Bill to amend the Indian Penal Code, as in force in Mysore.

MR. MIR HAMZA HUSEIN.—Sir, the Bill to amend the Indian Penal Code as in force in Mysore was read in Council at the last meeting and reference to a Select Committee having been dispensed with, I now beg to move that the Bill be passed.

MR. K. SHANKARANARAYANA RAO.—Sir, I beg to second the motion.

The motion was put to vote and carried.

10. Bill to amend the Negotiable Instruments Regulation.

MR. MIR HAMZA HUSEIN.—Sir, the Bill to amend the Negotiable Instruments Regulation was also read in Council and its consideration by a Select Committee dispensed with at the last meeting. I beg to move that the Bill be now passed.

MR. K. SHANKARANARAYANA RAO.—Sir, I beg to second the motion.

The motion was put to vote and carried.

Resolution No. I. re Fresh elections.

MR. HOSAKOPPA KRISHNA RAO.—I understand that this subject is engaging the serious consideration of Government and that orders may issue shortly. Under the circumstance, I do not like to press the subject any more, and therefore I withdraw it.

The resolution was by leave withdrawn.

II. Resolution *re* appointment of a Committee for improvement of journalism in the State.

MR. M. RAMACHANDRA RAO.—SIR, I beg to move the following resolution:—

"That this Council recommends to Government that a Committee consisting of official and non-official members be at once appointed (1) to investigate the scope of journalism in the State, (2) to find out how far the existing newspapers satisfy the legitimate needs of the country and (3) to determine what should be done to bring into existence sufficient number of newspapers of the right kind to meet the requirements of the present time".

This resolution deals with a subject of some importance both to the Government and the people. In all civilized countries, the Newspaper Press is considered to be the chief organ of public opinion. There is no doubt that for the proper initiation, continuous development and stability of all progressive schemes, whether concerning education, economic development or social service, sound public opinion in respect of them is most essential. The dearth of such opinion has in the past retarded or greatly marred the progress of many a good project in Mysore. In the interests of the State, therefore, it is highly necessary to ascertain what hindrances now exist to the formation of real public opinion and to take steps to remove such hindrances so that private effort in the field of journalism may freely come forward and an atmosphere of reasonable freedom be created for good journalism at an early date.

We have an illustration of the necessity for sound public opinion in the recent proposal to levy an education cess in the State. Government wanted to impose the cess and succeeded in getting a resolution passed by this Council recommending the levy. Correct public opinion about the reasonableness of the imposition of the cess had not been formed outside the Council and the result was that wherever the levy of the cess was proposed before Local Boards and Municipalities, the popular representatives began to oppose it. In the opinion of Government, the cess was imperative in view of the large responsibility which they had taken up for spreading education throughout the State; but in the opinion of the people, necessity for the cess had not been clearly made out. That the Government were right, we who were sitting in this Council, knew. But what did the people outside this Council know about the need for the proposed taxation? The people generally, and rightly I should think, look upon all new taxation with great disfavour and from their standpoint there was no reason to depart from that attitude even in the matter of a small cess which was promised to be earmarked for such a beneficent object as the education of the masses. The attitude of the public would certainly have been different if, before the proposal was put forward, Government had explained to the people why the levy of a cess was called for and how it was proposed to be utilised, and thereby prepared the mind of the people for according a favourable reception to their proposal.

There are again certain other matters in regard to which the public are keen, but the public feeling is not known outside the State for want of a proper Newspaper Press. For instance, the dispute about the Kannambadi Dam, the claim to the surplus revenues of the C. & M. Station of Bangalore and a proper representation to the Government of India for a share of the customs duties levied in British India on foreign goods imported into Mysore, form questions of sufficient importance, deserving of the closest attention on the part of both the Government and the people. It cannot be denied that in all these questions a clear public opinion would be a source of considerable strength to our Government. The questions being local, we cannot expect the outside press to feel sufficient interest and constitute itself a proper medium for the expression of views on and a thorough discussion of the questions by the people of the State. The attention to local needs can only become adequate if there is a local patriotic press to deal with them and repeatedly to urge their consideration by the public and the Government. From this aspect also an enlargement of the existing Newspaper Press in Mysore seems urgent. Moreover, as greater changes in consitutional reforms are introduced in future in the Government of India, any representation that may go from our Government to the Government of India on any subject affecting the material interests of the State, will have better chances of success if the representation has behind it the support of public opinion.

The law affecting the Newspaper Press in Mysore is embodied in one Act and two Regulations, *viz.*, Act XXV of 1867, Amending Regulation I of 1894 and Regulation III of 1908. The first Act was introduced when the State was under British administration and the two Regulations were introduced after the Rendition. Act XXV of 1867 and Regulation I of 1894 did not place any unusual restrictions on the liberty of the press, but the later Regulation was most drastic in character. As observed by the President, when the Mysore Newspaper Regulation was before this Council for consideration in 1908, the political conditions in British India were extraordinary and our Government had to fall in line with the Government of India in the passing of repressive measures. But it cannot be denied that the penalties provided by that Regulation are much more severe than any to be found in the several Acts passed by the Imperial legislature for dealing with sedition at or about the time when our Regulation passed through this Council. In the Dewan's address to the following session of the Representative Assembly it was admitted that the Regulation was not received with approval by many of the newspapers in India and an assurance was given that its provisions would not be enforced against offending newspapers arbitrarily or without careful consideration. As a result of the passing of the Regulation, three newspapers stopped publication and notwithstanding the assurance of Government an apprehension arose in the public mind that any criticism might be brought within the scope of the Regulation. Anyhow, the conditions throughout India have considerably changed for the better since 1908 and the Imperial Government of India have recently repealed all repressive legislation except a small portion of it which was considered absolutely necessary for the protection of Native Princes from the attacks of the British Indian Press. As recently announced by His Excellency the Viceroy in his speech to the Council of State, even this small portion of the press law is going to be embodied in a separate Bill. There is at present nothing in the tone of the Mysore press in its discussion of political matters affecting British India that need cause, alarm or anxiety in any quarter. It must be said to the credit of the local press, so far as the public are informed, that it has not till now given room for the exercise by Government of any of the extraordinary powers secured under the said Regulation. So far as rumours go, the recent enquiry which was held by the Chief Judge with regard to certain articles which appeared in the three local newspapers has not furnished any reason for taking action under the Regulation. From our experience of the local conditions since 1908 it can safely be said that there is no justification whatever for allowing Regulation III of 1908 to remain on the Statute Book of the State any longer. By an immediate repeal of the Regulation, the needless terrors that now threaten persons concerned in the Newspaper Press in Mysore, will disappear and a general feeling of satisfaction be brought about in the public mind. Your distinguished predecessor, Sir M. Kantaraj Urs, stated in the Representative Assembly meeting held in 1921 that the press law would be repealed at an early date. The people of the State look forward with eagerness to the early fulfilment of this promise.

Perhaps at this stage a few words on the true function of the Newspaper Press may not be out of place. "The mission of the Newspaper Press" says, a great writer on the subject, "is one of the noblest in which human beings can engage. It is not only to enlighten the minds and to elevate the character of mankind in general, but one of its grand aims, when it is in the hands of men of right principles, is to promote the general principles of peace and amity among the nations of the earth. It seeks to effect in general terms, the civilization and the happiness of the human race. Though it cannot as yet be said that this exalted and beneficent object has been accomplished to the extent which all of us wish to witness, no one who has carefully studied the amazing marches which the press has made towards the Divine purpose, can doubt that it is destined ultimately and before long to achieve in this respect a signal success." The same writer while speaking of the Press in England says, "The press is the impersonation of a grand cosmopolitan revolution—not revolution in the anarchical or worst sense of the term but in the sense of a great moral, social, and political transformation". Carlyle once exclaimed "Great is Journalism. Is not every Editor, a ruler of the world, being a persuader of it?" Burke in speaking of the Newspaper Press has stated that if he had only the sole control of the Newspaper Press of England for one year, he would undertake to effect the greatest political and social changes which could be conceived. Disraeli in his "Coningsby" while speaking of the Press, had said "It absorbs in a great degree the duties of the Sovereign, the Priest and the Parliament. It controls; it educates; it discusses."

I know it may be asked why the existing press is not deemed enough for all local purposes. The local press has in the past done a good deal in all important matters affecting the moral and material advancement of the country and a tribute of praise has certainly to be given for its service. At the same time, it has to be said that if any real and lasting good should accrue to the country, more attention than what the local press has been able to bestow till now, and more persistence in the urging of views for the benefit of the country, seem quite necessary. I would, therefore, strongly urge the creation of a wider and powerful press within the State so that it may render to our State the same service which the press of civilized countries like England and particularly of America is rendering to the people of those countries.

The repeal of the Newspaper Regulation is not all that our Government can do for the good of the local press. The modest enterprise which is now visible in the State in the newspaper line is mainly due to private effort and no part of the credit for its continuance is attributable to Government. At present we do not find any signs of private effort developing in the immediate future as rapidly as the well-wishers of the State should expect. There are many ways in which our Government can give a helping hand to the increase of journalistic enterprise in the State. For instance, they can at intervals select a few graduates of our University and send them out for studying journalism at the State expense in the London School of Journalism or in any of the several Universities of America where Journalism is taught as a special subject, for it is a notorious fact that for want of careers there is a certain amount of depression in the spirit of our new graduates. Our Government can also invite great journalists from foreign countries or even from British India for delivering courses of lectures on journalism at some selected centres in the State. There is a certain amount of complaint that the information which is made available from time to time by Government is not enough for the public to follow the progress of many of the large schemes which have been undertaken in the State. It should be possible for Government to remove that complaint by placing adequate information in the possession of local press more freely. Government should also be ready to provide facilities for railway travel and the collection of information by *bona fide* press correspondents or reporters. It would certainly improve the position of the press if permission is given to responsible editors to seek information from Heads of Government Departments. The editors may not be unwilling to observe any reasonable restrictions about the use to which the information should be put. In British India a new department is established called the Publicity Bureau for the dissemination of correct information in matters affecting the public. The Indian opinion is not favourable to its continuance. The objects aimed at by the formation of the Publicity Bureau can

be attained by Government largely availing themselves of the services of the local press. It is usual for Governments to encourage newspapers in other ways also but as the *Times* correspondent commenting on a debate in the House of Commons on a vote for the cost of official advertisements in 1882, has said, "The moral is obvious enough. Brief and ill-starred are the loves of the Roman Emperors; or in other words, when a Government embraces a newspaper, the marriage is apt to prove fatal to both parties."

In conclusion, I can only say that I have endeavoured to make out a good *prima facie* case for the appointment of a committee to investigate the subject in all its aspects. The public, I feel sure, would welcome such a committee. Our Government have everything to gain by it. By improving the press, the solution of the twelve important questions on which you, Sir, wish to concentrate attention will be greatly facilitated. That a progressive country like Mysore with a population of six millions, a population larger than that of the Commonwealth of Australia, cannot boast of possessing even a single daily newspaper certainly detracts from its reputation as a model State. Such being the case, I feel that I can confidently look forward to the whole-hearted support of this Council to the resolution.

MR. ABDUR RAHMON.—I second the proposition.

In supporting it I would like to say that Government have not refrained from making attempts to prosecute persons under this Regulation. The conditions of the newspapers in Mysore are too well known and do not require any more elaborate arguments than what have already been put before this House by Mr. Ramachandra Rao. I think that his suggestion regarding the repeal of the Press Law, which has been under the consideration of Government for a long time, should be taken up early. It is high time that this should be repealed.

MR. HOSAKOPPA KRISHNA RAO supported the proposition.

DEWAN BAHADHUR K. P. PUTTANNA CHETTY.—Under the present circumstances, I feel that Government would do well to repeal the Press Law. So far as I understand, Journalism has not met with success in Mysore. Apart from the Press Law, another great drawback to the success of a newspaper in Mysore is the want of a large reading public. There is no sufficient support from the reading public for a newspaper. The newspapers are not paying in Mysore. Another reason is that there is no sufficient capital readily forthcoming in support of an enterprise of this kind as some risk will have to be taken. All these matters have been very ably discussed in the course of the speech made by the learned mover.

I do not know how a mixed committee of the kind proposed would be able to help in this connection. Though my sympathies are with this proposition, I would rather leave the matter to the discretion of the larger public who are interested in enterprises of this kind.

Mysore wants a daily newspaper which is sober and well conducted and not partisan. It is better first to investigate the scope of journalism which will satisfy the needs of the people. I do not think a committee would be useful for such a purpose.

The fate of some of the local newspapers is deplorable, working at a loss, and their usefulness is also limited. The press should be well organised, must have good staff and must have good monetary support at its back.

I am in full sympathy with what Mr. Ramachandra Rao has said and with these observations I give my partial support to it.

DEWAN.—Gentlemen, if, I at this stage, make a few observations on the subject of this resolution, I hope, I may be able to persuade the Hon'ble Member to withdraw his resolution.

Government are not sleeping over the promise which has been made on the subject by my distinguished predecessor and so far as the press is concerned, the principles enunciated in the speech of Mr. Ramachandra Rao are such that I do not think any right-thinking man would question them. As regards the appointment of a mixed committee of officials and non-officials for the purpose of (1) investigating into the scope of journalism in the State, (2) finding out how far the

existing newspapers satisfy the legitimate needs of the country and (3) determining what should be done to bring into existence sufficient number of newspapers of the right kind to meet the requirements of the present time. I venture to think that these are matters which should, legitimately and properly speaking, engage the attention of persons outside Government. But Mr. Ramachandra Rao has incidentally brought into his speech a most important point, *viz.*, the question of the repeal of the Mysore Press Regulation and if this House should urge that Government should appoint a committee consisting of officials and non-officials to investigate the question of the Press Law and to suggest necessary amendments to or repeal of the enactment, that is quite a different matter; but the resolution, as it stands, is somewhat of an inconvenient character. I do not think that Government would be justified in permitting Government officers to associate themselves in such an investigation with non-officials as proposed by the Hon'ble Member. I do not know how far the officials would be able to help the non-officials. Take for instance, the question how far the existing newspapers satisfy the legitimate needs of the country. So, to put it briefly, I may state that Government are at present seriously considering the question of the Press Law and an announcement may be expected in my Dasara Address at the next Representative Assembly on the subject. Such being the case and if the Hon'ble mover will take the assurance that Government are actively considering this question and hope to pass an early decision in the matter, I hope he will have no objection to withdraw his resolution. The appointment of a mixed committee to go into these questions which really concern private enterprise may look as if Government wish to subsidize the Press and I for myself would very strongly discourage any such suggestion; for I think the Press ought to be developed by non-official enterprise entirely independent of any Government influence or control.

MR. M. RAMACHANDRA RAO.—I am thankful for the assurances that you have given us now. The matter which I have placed before this House is one which requires the serious consideration of Government as well as the people. The condition of journalism in Mysore is not one which satisfies the needs of the people.

Mr. Puttanna Chetty referred in his remarks that there is no reading public in the Mysore State. I beg to differ from him. Why newspapers are not paying in Mysore is a matter for investigation.

The main object of the resolution was the repeal of the Press Law. This has been promised and therefore, I beg leave to withdraw the resolution.

III.—Resolution re-selection Committees for Admissoin of Students.

"That this Counnil recommends to Government that they may be pleased to appoint Selection Committees to assist the Heads of Government Colleges, Collegiate High Schools and Technical Institutions in the selection and admission of students into these institutions."

MR. G. PARAMASIVIAH.—Sir, this resolution has been brought with a view to help the Heads of Educational Institutions in the admission of students which has become extremely difficult of late. Since the sanctioning of the backward class scholarship scheme by the Government in May 1917, though very inadequate at present, students of those communities which were notoriously indifferent to education have been coming in large numbers to acquire higher education. Hence, the demand for admission into various Government institutions, which was more or less of a steady nature before, has been increasing day by day. Whatever is connected with Government has come to acquire some special charm, and more so it is in the case of Government educational institutions. Every student tries to get himself admitted into an institution which is under the direct management of Government. Therefore, the question of admission of students has become a matter of grave concern both to the parents and to the Heads of various institutions. By way of illustration, I may be permitted to state here what the Superintendent of the School of Engineering said the other day in his report. He said that 270 students had applied for admission last year and only 100 students had to be taken on account of the limited accommodation available. If this is true of a technical institution, it must be

much more so with regard to Collegiate High Schools and Colleges. However impartial the Head of an Institution might be in the matter of selecting and admitting the students, he is very often accused of being unjust by those who will not be able to secure seats in the institutions. If the Principals and Head Masters were to work in close association with some non-official gentlemen, they will not be subject to any unjust criticism by the public and it will also allay much of the discontent among the parents in the rural parts. With these observations I beg to commend the resolution for the acceptance of this House.

MR. MAHOMED ABBAS KHAN.—In seconding the resolution I may be permitted to make certain observations. It is an admitted fact that the scope for the admission of students into Colleges and High Schools is limited. It is also admitted that 90 per cent of students seeking admission into the abovesaid institutions are Brahmins and that the remaining 10 per cent represent the communities of backward classes. We have been experiencing great difficulty in securing admission into the abovesaid institutions even for this small number. We feel that in this matter judicious treatment is not being accorded to them. Their applications are generally rejected on the plea of no vacancies. When it is pointed out that seats are available the usual answer would be that those seats are reserved for students whose applications have been already registered. This I am speaking with a certain amount of personal knowledge. Even last year as during previous years, my efforts to secure seats in certain institutions to students were of no avail. Personal arguments had no effect.

DEWAN.—Can you quote specific instances?

MR. MAHOMED ABBAS KHAN.—I may mention, Sir, that two years ago my learned friend Mr. Abdur Rahmon brought to the notice of this Council a specific case in which the Head Master of a certain school had refused admission to a promising student. Some years ago it was my painful duty to have brought to the notice of the President of the Representative Assembly an instance in which the Head Master of a school had refused admission into his school to a number of students. All our efforts to rectify matters have failed. Therefore in the interest of backward communities whose up-lift in matters educational has so much engaged the attention of Government, I implore the Council to accept this resolution.

MR. SUBBIAH.—The declared policy of Government is to give education as freely as possible. If accommodation is insufficient, I think, it is the duty of Government to make arrangements to accommodate all students who apply for seats. If seats are not available in one school, they should be made available in another school. By appointing a committee like the proposed one, they may recommend only those who belong to their communities. My request is that students of all communities should be encouraged in the matter of education and they should be provided with seats and not a single boy who seeks admission should be left out. If Government should open two more High Schools, I think, these difficulties would disappear. Though there are difficulties to do this, yet, I think it is the duty of the Government to do it and I am sure that complaints like the present one will then disappear.

We request that in future some arrangement may be made to see that all students whatever may be their caste, are admitted to one school or other.

MR. C. S. BALASUNDARAM IYER.—Sir, from the speeches made I do not gather that there has been much difficulty in the admission of boys to schools. Only very few instances have been quoted and they refer to difficulties experienced some years ago. Only a couple of cases came to my notice some months ago and these were attended to at once. The department has been extremely solicitous to see that every candidate that applied for a seat got it. Formerly there was a certain amount of difficulty due to the fact that candidates applied to more than one school at the same time. Recently steps have been taken to prevent this and the heads of the various schools in each centre have been brought together, so that the candidates who apply for admission are taken into one school or another without difficulty. From information obtained recently, I see that there were 333 applications for admission to the Government High School, Bangalore, of which 232 were from Brahmins and 101 from non-Brahmins. Of these applicants, 310 were admitted into that school 213

Brahmins and 97 non-Brahmins. So 19 Brahmins and 4 non-Brahmins could not be admitted into that school; but at the time there were 30 seats available in the Wesleyan Mission High School. In fact this year we have had more room available than there has been demand for. It may be said that all students who applied were not admitted into the Government High School, but I do not think it is sound policy to make such a distinction between Government and Aided Schools. Government is spending a lot of money on aided schools, which are as efficient as Government Schools and I do not see why students should not seek admission into them.

Wherever it was found necessary to open new classes that has been done as for instance in several of the District High Schools.

Mr. Abbas Khan referred to the case of certain students who found difficulty for admission. If he had only communicated with me at the time, I should have been most happy to see that suitable action was taken.

I do not know how a committee of the kind proposed can be of help. There is sure to be complaint if students are refused admission into any school, be they Brahmins or non-Brahmins. It has been the policy of Government to prevent such a state of things from arising at all and to create facilities freely in response to the demand.

It is our policy that there should be no such complaint of want of room and no such grievance, and I can assure this House that this has always been done in the past and will be done in the years to come.

With these assurances I hope the Honourable Member will withdraw his resolution.

MR. SHAMA RAO.—So far as I know there have been no such complaints as are being represented in this House now. Provision was made to accommodate all students who sought admission into Government Schools, and as a matter of fact none were left out. Of course, some years ago there was some difficulty regarding inadequacy of seats in the Central College and even there I do not remember to have received any such complaints.

DEWAN.—GENTLEMEN, I should like to say a few words on the subject of this resolution. The resolution as it is framed and also the speeches that have been made in support of it, no doubt, give the indication of a strong feeling existing in certain quarters in regard to the alleged exclusion of students of certain communities from Public Schools of the State. I do not think there is any justification for such a feeling. There should be no apprehension in the public mind or in the minds of any community amongst His Highness' subjects, knowing as they do the policy of the Government of His Highness and the declared intentions that have been announced by them from time to time. But I am really very sorry that this resolution has been put forward with a feeling of soreness due to the belief that there is a standing grievance. I must say, speaking for myself, that this is the first time that I have heard of this grievance, but if any individual instance is brought to my notice, I shall have it immediately enquired into. The assurance that has been given by the Inspector-General of Education and the assurance that I now give ought to be sufficient. The resolution, however, can be interpreted generally as suggesting that wherever accommodation is insufficient, admission should be regulated by a committee and not be left to the discretion of the Heads of institutions. As a matter of administrative policy, it would be very difficult for Goverment to accept a proposal of the kind. In fact, I am extremely doubtful if the difficulties pointed out will disappear by the appointment of committees of selection or that such a committee will give satisfaction to any body. The real difficulty is inadequate accommodation. I have inspected schools of all grades during my recent tours in the three districts of Tumkur, Kolar and Chitaldrug. In inspecting the various schools, I took particular care to see to what extent the different communities amongst the backward classes have received admission into the schools. I found to my great satisfaction that members of almost all the communities were well represented-Lingayets, Vokkaligars, Kurubars, Jains, Mohammadans and even panchamas and I received no complaints regarding rejections. Our schools have limited accommodation. I therefore feel inclined to agree with Mr. Subbaiya that Government should take immediate steps to rectify the main defect of insufficient

accommodation in public schools, rather than adopt the suggestion of Mr. Paramasiviah. During the last 2 or 3 years, adequate provision could not be made for giving more accommodation to the Upper Secondary and Lower Secondary schools and also for extending Science rooms. These questions are now under my detailed examination and I hope it may be possible to give more funds for the purpose in the immediate future.

I make an appeal not to make this a communal question. Government are anxious that every candidate for admission who is eligible according to the standards fixed, should be admitted to our public schools and with this assurance, I hope Mr. Paramasiviah will now see no reason to press his resolution.

MR. VENKATARAMAIAH.—I would like to place a concrete instance before this House. Last year a Brahmin boy sought admission into the Government High School at Tumkur. It was not possible for him to get admission since the classes were already full and as there were no places vacant. When classes are full and when seats are not available admission has been refused whether a student is a Brahmin or a non-brahmin. I do not agree with what Mr. Abbas Khan said that Brahmins secure seats while non-brahmins are not able to do so.

MR. PARAMASIVIAH.—In view of the assurances that are now given, I shall withdraw my resolution.

The resolution was by leave withdrawn.

Resolution No. 4 re the modification of mileage rate given to witnesses in civil cases.

MR. N. S. NANJUNDIAH.—Sir, the resolution I now move seems to be a simple one. The time at my disposal is rather short and I will also be but brief. The latest Government notification raising the mileage rate of cash batta for road journeys by witnesses attending civil courts makes even honest litigation prohibitive, and operates as a great hardship to the litigant public. The mileage rate previously fixed was four annas for every ten miles, but the present rate is rupee one and annas four for the same distance, so that the present rate is five times what it was before. We shall consider for a moment some suits on money bonds for rupees one hundred or two hundred, with endorsements of payments. If for instance the defendant takes it to his head to deny the genuineness of the bond and the endorsements, the need for summoning a number of witnesses connected with the execution of the bond and the endorsements necessarily arises, and the plaintiff who once lent the money, and then paid Court fee stamps for the suit, must now summon a number of witnesses, such number increasing with the number of endorsements. If any of the witnesses be dead, then the number again increases further, as additional witnesses become necessary to prove the handwriting of such deceased attestors. Even taking the average distance to be covered by a witness to be 24 miles from his village to Court house (and indeed, it would be much more in most of the cases), the cash batta to each witness would be rupees 6 plus annas eight for subsistence allowance; so that if there be about eight witnesses, the cash batta itself would amount to 52 rupees. Bearing in mind the adjournments which become necessary in the usual course of things, an unscrupulous and wary defendant may successfully keep an honest plaintiff at bay by such false defences. Further, though it may be said that the expenses incurred will be costs in the cause and may be recovered from the other side, we must also bear in mind that many a time the costs are in the discretion of the court, and the judgment-debtor may not have the means to pay or the recovery of the said costs may not be possible at all.

This is not all. The enforcement of this notification will tend to bring into existence what may be called a class of professional witnesses. They will be found to figure as witnesses in almost every case, or seek opportunities to attest documents or sign them, and thus create opportunities of frequenting Courts, as they get decent batta out of which they can easily effect savings. This, I need hardly say, will have a demoralising effect on Court business as well as public business.

The calculation I have referred to above has reference to the minimum scale of batta. But what often happens is, every person taking a document must take

care to see that he gets them written or attested by persons as highly respectable as possible, to avoid the risk of their evidence being ultimately rejected as unreliable. When such first class or second class witnesses are secured the batta payable becomes four times or twice that payable to the third class witness.

It may be argued in favour of the witness that the batta which was being paid to ordinary witnesses was too low, but I would point out that in such cases the old rules gave ample powers to the Court to direct the payment of extra charges in deserving cases.

In conclusion, I would leave the matter in the hands of the Second Member of Council who can with his long-standing experience in the Judicial Department forestall all the difficulties and hardships arising from the enforcement of the notification under discussion, so that Government may be pleased to deal with the subject in such manner as they deem fit.

MR. ANANTHIAH SETTI seconded the resolution.

MR. MIR HAMZA HUSEIN.—In view of the strong representation made, I think Government will have no objection to reconsider the case.

The Council was then adjourned *sine die*.